

SUBSIDIARY LEGISLATION

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CO-OPERATIVE SOCIETIES ACT
(CHAPTER 84)

CO-OPERATIVE SOCIETIES RULES

S 120/1975

REVISED EDITION 2015

SUBSIDIARY LEGISLATION

CO-OPERATIVE SOCIETIES RULES

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SUBSIDIARY LEGISLATION

Rules made under section 50

CO-OPERATIVE SOCIETIES RULES

Commencement: 1st July 1975
[S 92/1975]

Citation.

1. These Rules may be cited as the Co-operative Societies Rules.

Interpretation.

2. In these Rules, “the Act” means the Co-operative Societies Act.

Register of Co-operative Societies.

3. The Registrar shall keep or cause to be kept at his office a register to be called “Register of Co-operative Societies” wherein shall be entered particulars relating to the registration of societies and their by-laws.

Entries to be signed and alterations initialled by Registrar.

4. (1) All original entries in the Register of Co-operative Societies shall be made by, or under the direction of, the Registrar and shall be signed by him.

(2) Every alteration, interlineation or erasure in the Register of Co-operative Societies shall be initialled by the Registrar.

Register open to inspection.

5. The Register of Co-operative Societies shall be open to inspection by the public at all reasonable times and free of charge.

Application for registration.

6. Every application for registration of a society shall be submitted to the Registrar in Form A in the Second Schedule.

Copies of by-laws to accompany application for registration.

7. (1) The application shall be accompanied by three copies of the proposed by-laws of the society and by the minutes of the meeting at which the members agreed to accept all the rights, duties and liabilities prescribed by the by-laws. The copies of the by-laws must be signed by the applicants for the registration and the minutes must be signed by at least ten members of the society.

[Subsidiary]

(2) Where the Registrar decides to register the society in Form B in the Second Schedule, the society shall be registered in the Register of Co-operative Societies. One copy of the by-laws shall be retained in the Registrar's office and the other two shall be signed by the Registrar and returned to the society together with the certificate of registration and a copy of the Act and the rules free of charge.

Signature of applicant on behalf of registered society.

8. In any case where an applicant is a registered society, the application for registration and the copies of the by-laws submitted therewith under these Rules shall be signed on its behalf by the officer or officers who is or who are empowered by the by-laws of such society to sign documents on its behalf.

Return of application for correction.

9. If the application of the by-laws are not in conformity with the Act and the rules, the Registrar may return them and direct any necessary alteration to be made in them.

Refusal to register.

10. In every case where the Registrar refuses to register a society, he shall record in writing his reasons for doing so and communicate his decision to the applicant.

By-laws.

11. The by-laws of the proposed society shall contain in respect of such of the following matters as the circumstances in each case shall require, namely —

- (a) the name and registered address of the society;
- (b) the area of its operation;
- (c) the objects for which the society is established and the purpose to which its funds may be applied;
- (d) the qualifications required for membership and the terms for admission of members;
- (e) the rights and liabilities of members;
- (f) the manner in which the capital may be raised;
- (g) the mode of appointment, suspension and removal of the committee and officers, and the duties and powers of such committee and officers;
- (h) the mode of summoning and conducting meetings and the right of voting;

- (i) the general conduct of the business of the society;
- (j) the rates of interest at which the society may make loans to members;
- (k) the disposal of profits; and
- (l) the authorisation of an officer or officers to sign documents on behalf of the society.

Amendment of by-laws.

12. (1) After the registration of a society and its by-laws, the society may amend the by-laws in Form C in the Second Schedule subject to the following provisions —

- (a) every such amendment shall be made only in accordance with a resolution passed by a majority at a general meeting of the society;
- (b) not less than 15 days' notice shall be given of such general meeting; and
- (c) not less than half of the members of the society shall be present at such meeting:

Provided that in the case of non-agricultural societies to which this provision may, by written order of the Registrar, be declared to apply, one quarter of the members or one hundred members, whichever is less, present at the meeting shall be sufficient for the amendment of by-laws, but no by-laws shall be amended under the provision unless two-thirds of the members present vote in favour of the proposal.

(2) Three copies of such amendments to the by-laws and one copy of the resolution of the general meeting passing the amendments shall be submitted to the Registrar with an application for the registration of the amended by-laws; such application shall be signed by the chairman and two members of the committee and shall contain information as to —

- (a) the date of the general meeting at which the amendments were passed;
- (b) the number of days' notice given to convene the general meeting;
- (c) the total number of members in the society at the date of such general meeting;
- (d) the number of members present at the meeting;
- (e) the number of members who voted in support of the amendments.

[Subsidiary]

(3) If the Registrar approves the amendments he shall register them, retain one copy in his office and return the other two to the society duly certified by him.

Register of members and nominees.

13. Every registered society shall keep a register to be called “Register of Members and Nominees” wherein shall be entered —

- (a) the name, address and occupation of each member;
- (b) the date on which each member’s name was entered in the register;
- (c) the date on which any member ceased to be a member; and
- (d) the nominee, if any, appointed under rule 19.

To keep accounts, books and publish balance sheets.

14. Every registered society shall keep such accounts and books as may from time to time be prescribed or approved by the Registrar and shall publish balance sheets annually in such manner as the Registrar may prescribe.

Admission to membership.

15. (1) The election and admission of members to a registered society, other than original members, shall be in such manner and on such conditions as the by-laws shall prescribe.

(2) An entrance fee of an amount to be prescribed in the by-laws shall be payable by every member.

(3) No person shall be admitted to membership of a registered society who —

- (a) does not satisfy the requirements of the Act;
- (b) is legally or mentally disabled;
- (c) is a bankrupt;
- (d) against whom a conviction stands of an offence punishable with imprisonment; or
- (e) in the case of a registered society with unlimited liability, who is already a member of another registered society with unlimited liability.

(4) Any member who may at any time be found to be disqualified for any of the reasons mentioned in sub-rule (3) shall be removed from the society but without prejudice to any liabilities of person under section 28(1).

(5) In case of doubt, the decision of the Registrar as to whether a person is, or is not, eligible for membership of a registered society shall be final.

(6) Every person before being admitted to the membership of a registered society shall sign a declaration that he will be bound by the existing by-laws of the society, and by any modification of, or addition to, such by-laws that may be legally effected during the period of his membership. A person who is already a member by reason of his having joined the application for the registration of the society shall be required, under pain of expulsion if he refuses, to sign such declaration within one month of registration.

Withdrawal from society.

16. Any member may withdraw from a registered society by giving written notice to the secretary but such withdrawal shall be without prejudice to section 28(1).

Expulsion from society.

17. If a member acts in contravention of the rules or by-laws or acts in any way detrimental to the interests of the registered society such member may be expelled by a vote of two-thirds of the members present at a general meeting upon a charge communicated to him in writing by the committee not less than one week before the meeting. Such member shall be entitled to be heard in his own defence but shall not be entitled to vote on the motion; such expulsion shall, however, be without prejudice to section 28(1).

Withdrawal from society holding deposit or loans from non-members.

18. In the case of any registered society of limited liability holding deposits or loans from non-members, no member withdrawing, removed or expelled therefrom shall be entitled, unless the consent of the Registrar be first obtained, to repayment of any money paid by him towards the purchase of shares except on the dissolution of the registered society as provided in Part VII of the Act.

Nominee.

19. (1) Any member of a registered society may in writing in the presence of at least two witnesses attesting the same or by a declaration duly made, nominate any person or persons to whom his share or interest or the value of such share or interest and all other monies referred to in section 17 that may be due to him may, on the death of such member, be paid or transferred under the provision of that section, and may in similar manner revoke or vary such nomination.

[Subsidiary]

In such cases, the value of the member's share or interest shall be represented by the sum actually paid by the member to acquire such share or interest unless the by-laws provide for calculation thereof otherwise.

(2) In any case where more than one nominee is appointed by any member, the number of shares to be transferred or the exact proportion of the amount available that is to be transferred to each of these nominees shall be specified at the time of the appointment.

(3) Every appointment of nominees shall be recorded in the Register of Members and Nominees.

(4) The nominee may become a member of the society only if admitted in accordance with the by-laws.

(5) Where any money is paid to a nominee who is a minor, a receipt given either by the minor or his guardian shall be sufficient discharge to the registered society.

Power to deal with property of insane members.

20. Where a member or person claiming through a member of a registered society is insane, and no committee of his estate or trustee of his property has been duly appointed, the society may, when it is proved to the satisfaction of the Committee that it is just and expedient to do so, pay or transfer the share or interest of such member or the value of such share or interest or all other monies referred to in section 17 to any person whom they shall judge proper to receive the same on his behalf, whose receipt shall be a good discharge to the society for any sum so paid. In such cases, the value of the member's share or interest shall be represented by the sum actually paid by the member to acquire such share or interest unless the by-laws provide for calculation thereof otherwise.

General meeting.

21. (1) The supreme authority in a registered society shall be vested in the general meeting of members at which every member has a right to attend and vote on all questions. At least 7 days notice shall be given before any such general meeting is held. Subject to the provisions of section 24, each member shall have one vote only which shall be exercised in person and not by proxy.

(2) A general meeting shall be convened in accordance with these Rules and the by-laws of the society.

(3) Subject to rule 12(1), when a registered society consists of —

(a) not more than forty members, one-half of the members or ten members, whichever is the less, shall form a *quorum* for the purpose of the annual or a special general meeting; and

(b) more than forty members, one-fourth of the total number of the members of such society or fifty members shall form a *quorum* for the purposes of the annual or special general meeting.

If within one hour after the time fixed for any meeting the members present are not sufficient to form a *quorum*, the meeting shall be considered as dissolved if convened on the demand of members; in all other cases it shall stand adjourned to the same day in the next week at the same time and place and a notice to that effect shall be posted by the secretary within 24 hours, and if at the adjourned meeting a *quorum* is not present within one hour from the time appointed for the meeting, the members present shall form a *quorum*.

Summoning of general meeting by Registrar.

22. (1) Notwithstanding anything contained in these Rules or in the by-laws of a registered society as to the mode of summoning a general meeting, and the object, time and place of such meeting, the Registrar or any person authorised by the Registrar may summon at any time a special general meeting of the society in such manner and at such time and place as he may direct, and may specify what matters shall be discussed by the meeting. Such meeting will have all the powers of and be subject to the same rules as a general meeting called according to these Rules or the by-laws of the society.

(2) A *quorum* for the purposes of any meeting summoned by the Registrar under sub-rule (1) shall be the same as that prescribed by the by-laws of a society for an ordinary general meeting of such society:

Provided that if, at any such meeting, there are not sufficient members present to constitute a *quorum*, the Registrar may proceed to summon a further general meeting of the society in accordance with this rule, and at such further general meeting, any members present shall be deemed to form a *quorum*.

Maximum liability.

23. (1) Every registered society shall fix at a general meeting the maximum liability it may incur in loans or deposits whether from members or non-members.

(2) The maximum so fixed shall be subject to the sanction of the Registrar, who may at any time reduce it. No registered society shall receive loans or deposits which will make its liability exceed the limit sanctioned by the Registrar.

Issue of bonds or debentures.

24. The issue of bonds and debentures by a registered society shall be subject to such conditions as the Registrar may prescribe.

[Subsidiary]

Banking account.

25. All monies in excess of the amount to be kept in hand as approved by the Committee shall be deposited in a bank. All cheques shall be signed by the chairman or treasurer and the secretary or another member of the committee approved by the Committee.

Investments in lands and buildings.

26. With the previous sanction of the Registrar, any society may invest its funds or a portion thereof in the purchase or leasing of land or in the construction of buildings or in such other manner as may be necessary for the conduct of its business and the welfare of the cooperative movement.

Audit fees.

27. Every registered society shall be liable to pay such audit fees as the Registrar may prescribe.

Division of profits.

28. (1) Unless otherwise authorised by the Minister under the proviso to section 33(1), no dividend or payment on account of profits shall be made by a society registered with unlimited liability.

(2) No registered society shall pay a dividend if the rate of interest on loans granted by it to its members exceed 10 *per cent* per annum.

(3) No registered society shall pay a rate of dividend on shares exceeding 6 *per cent* per annum without the sanction of the Registrar.

(4) A bonus on wages or on the value of the products of a member, or a bonus or rebate on patronage calculated in proportion to the amount of the business done by each member with the registered society may be distributed periodically to the members from surplus funds after deduction of all expenditure and after making provision for bad and doubtful debts and making allocation to the reserve fund.

Election of committee.

29. (1) The committee shall be elected at the annual general meeting of the registered society and shall hold office until the election of a new committee and they shall be eligible for re-election unless the by-laws of the society provide otherwise.

(2) The committee shall elect the chairman, secretary and treasurer from amongst themselves immediately after the general meeting.

(3) A member of the committee shall not, except with the written permission of the Registrar, hold any office of profit in the society or receive any remuneration from the funds of the society.

(4) Where annual profits permit, a member of the committee may, with the approval in writing of the Registrar, be awarded an honorarium by a general meeting.

Appointment of employees.

30. (1) The committee may appoint the necessary employees for the conduct of the society's business and may suspend or terminate them.

(2) The committee shall have power to fix the duties and remuneration for such employees and may require them to provide security in such amount as considered reasonable or as directed by the Registrar.

(3) No appointment, suspension or termination of service made under sub-rule (1) shall be valid and effective and no remuneration fixed under sub-rule (2) shall be payable and recoverable unless approved in writing by the Registrar.

Disposal of produce to or through registered society.

31. (1) Every member of a Marketing Society shall deliver to the society at such place as the committee shall direct, such amount of articles produced or obtained by him as may be prescribed by the by-laws or in the relevant contract to be disposed of by the society.

(2) Any member who is proved or adjudged in accordance with section 48 to be guilty of a breach of the by-laws or the relevant contract, as the case may be, shall pay to the society as liquidated damages such sum as may be specifically assessed or ascertained in manner prescribed by the by-laws or by the relevant contract, and such sum shall be deemed to be a debt due to the society.

Application for loan.

32. Members who desire to obtain a loan shall submit an application to the committee stating the amount and the purpose for which the loan is required, the terms of repayment and the names of the proposed sureties or any other security which is offered.

Proceeding with regard to loan at committee meeting.

33. (1) The committee shall consider at a meeting every application for a loan and if the committee is satisfied with the trustworthiness of the applicant, the sufficiency of the security offered and the prospects of advantages to the borrower, in the way of increased production or economy or otherwise, it may sanction the loan.

[Subsidiary]

(2) No person other than members of the committee and the Registrar and his staff shall be present at any meeting of the committee when an application for a loan is under consideration. A member of the committee who applies for a loan or who is proposed as surety for a loan must withdraw while the relevant application is being considered. If there is a difference of opinion concerning the granting of a loan, the voting shall be taken by ballot. The proceedings with regard to loans at committee meetings shall be kept secret, and any member of the committee or officer of the registered society infringing this rule shall be liable to immediate expulsion or dismissal.

Purposes for loans.

34. (1) No loan shall be granted except for a purpose to be approved in each by the committee.

(2) All loans granted shall be applied, by the borrowing members, to such purpose as the committee has approved.

Misapplication of loans.

35. Where the committee is satisfied that a member of the registered society who has obtained a loan has applied the proceeds thereof to a purpose other than the purpose which is stated in the application under rule 32, the committee may, by notice in writing to the debtor, demand payment of the loan before the agreed date of payment.

Documents to be completed before payment of loans.

36. When a loan is sanctioned by the committee and before the amount is paid, the borrower and his sureties shall execute an instrument in writing setting out the terms of repayment of the loan and such other terms and conditions as the committee may consider necessary:

Provided that the Registrar may direct in respect of all registered societies or any specified registered societies the form of instrument to be signed by a borrower and his sureties.

Security for loans.

37. (1) Loans, when approved by the committee, shall be granted to members who are able to obtain two sureties approved by the committee or who can give other security to the satisfaction of the committee.

(2) Save with the sanction of the Registrar or as otherwise provided in the Act or in the rules, a registered society shall not lend money on the security of moveable property.

(3) The shares of the registered society may not be hypothecated to that society by its members as security for a loan.

Extension of loans.

38. If by reason of sickness or some other cause, a member finds that he will be unable to discharge his obligations to the registered society and notifies the secretary in writing before a loan is due, the committee may, with the consent of the sureties, if any, extend the time fixed for payment on such conditions as it thinks fit.

Restrictions on loans to defaulters.

39. Where a member is in default in the payment of a loan and does not satisfy the committee that such default is due to good cause, such member shall not be entitled to receive another loan from the registered society.

Recovery of loans.

40. Where a loan or an instalment of a loan has not been paid on the date on which it became due, and no extension for the payment thereof has been given to the borrower by the committee under rule 38, the committee shall take steps for the recovery thereof by referring the matter to the Registrar as prescribed in section 48.

Reserve fund.

41. (1) The reserve fund of a registered society, created in pursuance of the provisions of section 33(1), may with the sanction of the Registrar —

(a) be utilised in the business of the registered society; or

(b) be applied to meet occasional deficiencies incurred by the registered society.

(2) In sanctioning the utilisation or application of the reserve fund under sub-rule (1), the Registrar may impose such terms and conditions as he may deem fit.

Bad debts.

42. The committee may, with the approval of the Registrar, cause bad debts to be written off the books of the registered society in such manner and at such times as the Registrar may deem fit.

Transfer of shares.

43. (1) Any share may be transferred with the approval of the committee to any other member at the option of the transferor, but if it is desired to transfer a share to a person who is not a member, such person must first be approved as a member by the committee, or the general meeting according to the by-laws relating to the admission of members before the transfer can be registered; and if the by-laws require a member to hold more than one share, the transferee must acquire the number so required to be held before the transfer can be registered.

[Subsidiary]

(2) No transfer of share shall be valid and effective unless and until such transfer has been registered by the secretary on the direction of the committee.

(3) No transfer of a share shall be registered if made by a member indebted to the registered society without special order of the committee, and until the transfer of a share is registered, no right shall be acquired against the registered society by the transferee, nor shall any claim of the registered society upon the transferor be affected thereby.

Sale of shares of members in default.

44. The committee may in default of payment by any member indebted to the registered society to an amount not less than three-fourths of the sum paid up for the time being on any transferable share held by him, sell, transfer and register in the books of the registered society such share to any person entitled to hold the same under the rules or by-laws for the best price obtainable therefor, and apply the proceeds in or towards the discharge of the debt so due and of any expense incurred in or about the same, paying over the balance (if any) to the member, without being responsible for loss occasioned thereby, and the defaulting member shall cease to have any further claim in respect of such share.

Dispute proceedings same as before court of law.

45. (1) Reference of a dispute to the Registrar under section 48(1) may be made by the committee, or by the society by resolution in a general meeting, or by any party to the dispute or, if the dispute concerns a sum due from a member of the committee to the society, by any member of the society.

(2) Where, in pursuance of the provisions of section 48(2)(b), the Registrar decides to refer a dispute to arbitration, he may either —

(a) refer it to a single arbitrator appointed by himself; or

(b) refer it to three arbitrators of whom one shall be nominated by each of the parties to the dispute and the third shall be nominated by the Registrar, who shall appoint the chairman. If any party to a dispute fails to nominate an arbitrator within 15 days, the Registrar may himself make the nomination.

(3) The proceedings before the arbitrator or arbitrators shall, as nearly as possible, be conducted in the same way as proceedings before a court of law.

(4) The Registrar or the arbitrator or arbitrators shall have power to —

(a) administer oaths;

(b) require the attendance of all parties concerned and witnesses and to require the production of all books and documents relating to the matter of the dispute, by a summons delivered orally or sent by hand or by registered post to the party's last known address or served by the nearest court having jurisdiction in the area in which the society operates, and shall further have power to order the expenses of determining the dispute to be paid either out of the funds of the society or by such party or parties to the dispute as he may think fit.

(5) The arbitrator appointed by the Registrar, or the arbitrators to whom the Registrar has referred a dispute, shall record a brief note of the evidence of the parties and witnesses who attend, and upon the evidence so recorded, and after consideration of any documentary evidence produced by either side, a decision or award, as the case may be, shall be given in accordance with justice, equity and good conscience and shall be reduced in writing. In the absence of any party duly summoned to attend, the dispute may be decided against him in default. In cases where three arbitrators are appointed, the opinion of the majority shall prevail.

(6) Any person duly summoned by the Registrar or arbitrator or arbitrators by summons served by a court to appear before him or them, or to produce any document and falling to do so, may be proceeded against in accordance with the provisions of the court of law.

(7) In any proceedings held under section 48, no party shall be represented by any legal practitioner except with the permission of the Registrar or the arbitrator or arbitrators, as the case may be.

Statements and returns.

46. Every society shall furnish the Registrar with such information and with such statements and returns as may be called for by him.

Copies of book entries.

47. For the purposes of section 20, a copy of an entry in a book of a registered society may be certified by a declaration dated and subscribed by the chairman and the secretary of the society that it is a true copy of such entry, that such entry is contained in one of the ordinary books of the society and was made in the usual and ordinary course of business and that such book is still in the custody of the society.

Appeals.

48. Except as expressly provided in the Act, no appeal shall lie against any order of the Registrar passed in any matter dealt with in the Act or in the rules framed under the Act.

[Subsidiary]

Irregular resolutions of societies to be rescinded.

49. The Registrar may rescind any resolution or action of an officer of a committee of a registered society or of a registered society which is, in his opinion, outside the objects and scope of the society as defined in the by-laws of the society, and may order the record of such resolution or act to be deleted from the records of the society.

Fees.

50. The fees specified in the First Schedule hereto shall be payable for the matters which they relate:

Provided that the Minister may direct that any fee paid in respect of an appeal to the Minister shall be refunded.

Forms.

51. (1) The forms in these Rules referred to are the forms contained in the Second Schedule hereto.

(2) The forms shall be used in all cases to which they are applicable and slight deviations from these forms, or necessary alterations thereto not affecting the substance or calculated to mislead, shall not vitiate them.

(3) The Registrar may direct that additional forms shall be used in any particular case or matter.

FIRST SCHEDULE

(rule 50)

FEES

Fee to be paid on lodgement of an appeal under section 7, 10, 37 or 47 \$25

SECOND SCHEDULE

(rules 6(1), 7(2) and 12(1))

FORMS

FORM A

Co-operative Societies Rules

FORM OF APPLICATION FOR REGISTRATION OF A SOCIETY

Under section 6 of the Co-operative Societies Act we, the under signed, apply that our society may be registered as a co-operative society with limited liability unlimited under the style
Co-operative Society limited the address to be registered being
unlimited

We also submit the by-laws adopted at our first general meeting at which the society was formed, duly signed, for registration. A copy of the minutes of the first general meeting is attached.

LAWS OF BRUNEI

20 CAP. 84, R 1

Co-operative Societies

[Subsidiary]

SECOND SCHEDULE — (continued)

LIST OF APPLICANTS

(Where members are individuals)

No.	Name in full	Age	Occupation	Place of residence	Signature
			(To be signed by at least ten persons)		

LIST OF APPLICANTS

(Where members are registered societies)

No. of Serial Society	Name of Society	Place of business of Society	No. and date of Certificate of Society	Name of authorised officer(s)	Signature

FORM B

CERTIFICATE OF REGISTRATION

Certificate of Registration No. relating to application bearing number and the year in the District of

I hereby certify that the Society under the name of and its by-laws have this day been duly registered by me in the Register of Co-operative Societies in pursuance of the provisions of the Co-operative Societies Act and the Co-operative Societies Rules.

Given under my hand at Bandar Seri Begawan this day of 20

Registrar of Co-operative Societies, Brunei Darussalam

SECOND SCHEDULE — (continued)

FORM C

Name of Society
Address
Date

The Registrar of Co-operative Societies,
Brunei Darussalam,
Sir,

Application for Amendment of By-laws

Under section 10 of the Co-operative Societies Act and rule 12 of the Co-operative Societies Rules, we, the undersigned members of the
apply that the amendment to the following by-laws may be registered.

2. We submit herewith three copies of the amendments together with a copy of the resolution of the General Meeting and the following for your information —

- a) Date of the General Meeting at which the amendments were passed
.....
- b) Number of days' notice given to convene the meeting
.....
- c) Total number of members at the date of the General Meeting
.....
- d) Total number of members present at the General Meeting
.....
- e) The number of members who voted in support of the amendment
.....
Chairman
Committee member
Committee member

