

CO-OPERATIVE SOCIETIES.

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13 OF 1914.

TO PROVIDE FOR THE CONSTITUTION AND CONTROL OF CO-OPERATIVE CREDIT SOCIETIES.

[October 9, 1914.

WHEREAS it is expedient to encourage thrift, self-help and co-operation among agriculturalists, and for that purpose to provide for the constitution and control of Co-operative Credit Societies.

Be it therefore enacted:—

*Title and Definitions.*

Short title. 1. This Law may be cited as the Co-operative Credit Societies Law, 1914.

Definitions. 2. In this Law, unless the context otherwise requires:—

- (a.) "Bye-law" means a registered bye-law for the time being in force and includes a registered amendment of the bye-laws;
- (b.) "Committee and Council" mean the governing bodies of a society to which the management of the affairs of such society is entrusted;
- (c.) "Member" includes a person joining in the application for the registration of a society, and a person admitted to membership after registration in accordance with the bye-laws and any rules;
- (d.) "Officer" includes a chairman, secretary, treasurer, member of committee, or other person empowered under the bye-laws to give directions in regard to the business of the society;
- (e.) "Registrar" means a person appointed to perform the duties of Registrar of Co-operative Credit Societies under this Law;
- (f.) "Society" means a co-operative credit society registered under this Law.

*Registration.*

Registrar. 3. The High Commissioner may appoint a person to be Registrar of Co-operative Credit Societies under this Law, and may appoint persons to assist such Registrar, and may, by general or special order, confer on any such persons all or any of the powers of a Registrar under this Law.

The Registrar shall have an office in Nicosia.

Repealed  
Law 25-11939

See also Law  
10 of 1929

Law 13 of 1914 (at p. 170) has been amended by the addition thereto of the following section:-

Subject to the approval in writing of the Registrar, Co-operative Credit Societies formed under the provisions of the Principal Law may effect sales and purchases of products, commodities or raw material for agricultural purposes, whether such products, commodities or raw material are or are not in being at the time of such sales and purchases provided always that after such approval of the Registrar as aforesaid a memorandum of agreement embodying the terms of such sales and purchases shall be made and signed by the parties thereto.

Vide Law 18 of 1926.

Following proviso has been added to the above section. Provided further that the Registrar may before granting the approval in writing as aforesaid require the Society to forward to him a copy of a resolution and of the minutes relating to it of a general meeting of the Society approving of such sales or purchases as the case may be.

Vide Law 10 of 1928

2 donoms in extent; (d) be an agriculturalist; (e) not be a member of any other co-operative credit society, and (f) in the case of a person not being an original member, be elected by the Society in such manner as the bye-laws shall prescribe.

8. Any twelve or more persons qualified in accordance with the requirements of section 7 and agreeing to act in accordance with this Law and any rules and the bye-laws of their proposed society may apply to the Registrar to be registered as a society, and the persons by whom or on whose behalf such application is made shall furnish two copies of the proposed bye-laws of the proposed society, together with such information with regard to the proposed society as the Registrar may require.

Conditions  
for  
registration.

9. If the Registrar is satisfied that a society has complied with the provisions of this Law and the rules and that its proposed bye-laws are not contrary to the law or to the rules, he may, with the approval of the High Commissioner, register the society and its bye-laws.

Registration.

10. A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered unless it is proved that the registration of the society has been cancelled.

Evidence of  
registration

4. Subject to the provisions hereinafter contained a society consisting of at least twelve persons who are agriculturalists and are above the age of eighteen years; operating within a town, or village, or group of villages within a radius of not more than two miles; and having for its object the creation of funds by loans from the Government or the Loan Commissioners or otherwise or deposits to be lent to its members; may be registered under this Law. Provided that the Registrar may if he shall think fit in any particular case extend the said radius of two miles.

Societies which may be registered.

5. The words "Co-operative Credit" shall form part of the title of every society.

Co-operative credit.

6. When any question arises whether, for the purposes of this Law, a person is an agriculturalist and a resident in a town or village or group of villages, or whether two or more villages shall be considered to form a group, the question shall be decided by the Registrar whose decision shall be final.

Registrar to decide as to residence and group

7. A person eligible for admission to membership of a society must (a) be above eighteen years of age; (b) reside within the area of the society's operations; (c) possess land therein of not less than 2 donums in extent; (d) be an agriculturalist; (e) not be a member of any other co-operative credit society, and (f) in the case of a person not being an original member, be elected by the Society in such manner as the bye-laws shall prescribe.

Persons admissible as members.

8. Any twelve or more persons qualified in accordance with the requirements of section 7 and agreeing to act in accordance with this Law and any rules and the bye-laws of their proposed society may apply to the Registrar to be registered as a society, and the persons by whom or on whose behalf such application is made shall furnish two copies of the proposed bye-laws of the proposed society, together with such information with regard to the proposed society as the Registrar may require.

Conditions for registration.

9. If the Registrar is satisfied that a society has complied with the provisions of this Law and the rules and that its proposed bye-laws are not contrary to the law or to the rules, he may, with the approval of the High Commissioner, register the society and its bye-laws.

Registration.

10. A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered unless it is proved that the registration of the society has been cancelled.

Evidence of registration

Amendment  
of bye-laws.

11.—(1.) No amendment of the bye-laws of a registered society shall be valid until the same has been registered under this Law, for which purpose a copy of the amendment shall be forwarded to the Registrar.

(2.) If the Registrar is satisfied that any amendment of the bye-laws is not contrary to this law or to the rules, he may, if he thinks fit, register the amendment.

(3.) When the Registrar registers an amendment of the bye-laws of a society, he shall issue to the society a copy of the amendment certified by him, which shall be conclusive evidence that the same is duly registered.

Registrar to  
submit  
annual  
report.

12. The Registrar shall prepare and present in each year to the High Commissioner, a report of his proceedings and of the principal matters transacted during the preceding calendar year, together with a statement showing the financial position of all registered societies on the 31st December last preceding.

Registrar  
may supply  
model forms,  
etc.

13. The Registrar may, with the approval of the High Commissioner, prepare and cause to be circulated, for the use of societies, forms of bye-laws, accounts, balance-sheets and valuations as models for all societies.

#### *Rights and liabilities of members.*

Unlimited  
liability.

14. The liability of each member of a society for the debts of the society shall be unlimited.

Voting  
powers.

15. Each member shall, notwithstanding the amount of his interest in a society, have only one vote, and shall only be allowed to exercise such vote in person.

Monies due  
by members  
recoverable  
at law.

16. All monies payable by a member to a registered society under this Law or under any bye-laws of such society shall be a debt due from such member to the society and shall be recoverable as such at law.

#### *Duties of Societies.*

Society to  
register  
address.

17. Every society shall have an address registered with the Registrar to which all communications and notices may be sent, and shall send to the Registrar notice of every change thereof.

Copy of Law,  
etc., to be  
open to  
inspection.

18. Every society shall keep a copy of this Law and of the rules governing such society and of its bye-laws and of its last balance-sheet and any report of the Auditors open to inspection free of charge at all reasonable times at the registered address of the society.



Sec. 19 of Law 13 of 1914 (at p. 173) has been repealed and the following substituted therefor:-

19. (1) The Registrar shall examine or cause to be examined by some person authorized by him by general or special order in writing in this behalf the accounts of every registered Society once at least in every year.

(2) The examination under sub-section (1) shall include an examination of overdue debts, if any, and a valuation of the assets and liabilities of the Society.

(3) The Registrar or any person authorized by general or special order in writing in this behalf by the Registrar shall at all times have access to all the books, accounts, papers, cash and securities of a Society, and every officer of the Society shall furnish such information in regard to the transactions and working of the Society as the person making such inspection may require.

(4) Subject to the general directions and instructions of the Registrar, the Commissioner of the District in which the Society is carrying on business shall be deemed to be a person authorized within the meaning of the preceding sub-section.

Law 10 of 1928 sec.2.

*Just decision in 64/32*

contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes of its constitution.

21. Subject to any prior claim of the Government, or of a landlord in respect of rent or any money recoverable as rent, a society shall be entitled in priority to other creditors to enforce any outstanding demand due to the society from a member or past member:—

Prior claim of society.

(a.) In respect of the supply of seed or manure or of the loan of money for the purchase of seed or manure—upon the crops or other agricultural produce of such member or person at any time within eighteen months from the date of such supply or loan;

(b.) In respect of the supply of cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture, or of the loan of money for the purchase of any of the foregoing things—upon any such things so supplied, or purchased in whole or in part from any such loan, or on any articles manufactured from raw materials so supplied or purchased.

*1/2 of the loan of money in connection with or for the purpose of cultivation & harvesting.*

*Law 10 of 1929*

19.—(1.) The Registrar shall audit or cause to be audited by some person authorized by him by general or special order in writing in this behalf the accounts of every registered society once at least in every year. Audit.

(2.) The audit under sub-section (1) shall include an examination of overdue debts, if any, and a valuation of the assets and liabilities of the society.

(3.) The Registrar or any person authorized by general or special order in writing in this behalf by the Registrar shall at all times have access to all the books, accounts, papers and securities of a society, and every officer of the society shall furnish such information in regard to the transactions and working of the society as the person making such inspection may require.

(4.) Subject to the general directions and instructions of the Registrar, the Commissioner of the District in which the society is carrying on business shall be deemed to be a person authorized within the meaning of the preceding sub-section.

*Privileges of Registered Societies.*

20. The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes of its constitution. Societies to be bodies corporate.

21. Subject to any prior claim of the Government, or of a landlord in respect of rent or any money recoverable as rent, a society shall be entitled in priority to other creditors to enforce any outstanding demand due to the society from a member or past member:— Prior claim of society.

(a.) In respect of the supply of seed or manure or of the loan of money for the purchase of seed or manure—upon the crops or other agricultural produce of such member or person at any time within eighteen months from the date of such supply or loan;

(b.) In respect of the supply of cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture, or of the loan of money for the purchase of any of the foregoing things—upon any such things so supplied, or purchased in whole or in part from any such loan, or on any articles manufactured from raw materials so supplied or purchased.

*or of the loan of money in connection with or for the purpose of cultivation or harvesting.  
Law 10 of 1929*

Liability of past member.

22. The liability of a past member for the debts of a society as they existed at the time when he ceased to be a member shall continue for a period of two years from the date of his ceasing to be a member.

Liability of the estates of deceased members.

23. The estate of a deceased member shall be liable for a period of one year from the time of his decease for the debts of a registered society as they existed at the time of his decease.

Register of members.

24. Any register or list of members kept by any society shall be *primâ facie* evidence of any of the following particulars entered therein:—

(a.) The date at which the name of any person was entered in such register or list as a member; and

(b.) The date at which any such person ceased to be a member.

Proof of entries in societies' books.

25. A copy of any entry in a book of a society regularly kept in the course of business shall, if certified in such manner as may be prescribed by the rules, be received in any suit or legal proceeding, as *primâ facie* evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where and to the same extent as the original entry itself is admissible.

Power of High Commissioner to remit stamp duties and registration fees.

26. The High Commissioner in Council may, by notification in the *Cyprus Gazette*, in the case of any society remit the stamp duties or fees with which, under any law for the time being in force, instruments executed by or on behalf of a society or by any officer or member and relating to the business of such society or any class of such instruments are respectively chargeable.

#### *Property and Funds of Societies.*

Restrictions on loans.

27. A society shall not make a loan to any person other than a member.

Loans on security.

28. Save with the sanction of the Registrar, a society shall not lend money on the security of movable property.

Sureties.

29. No person other than a member of the society shall be accepted as surety for a loan.

Borrowing powers of society.

30. A society may obtain loans from Government or the Loan Commissioners or otherwise on such terms as to interest or otherwise as the bye-laws shall provide, and the Government or the Loan Commissioners, if they shall think fit, may grant such loans accordingly. All applications made by a society to the Government or Loan Commissioners or to other persons must be reported immediately to the Registrar by such officer of the Society as the Registrar may prescribe.

Sec. 31 of Law 13 of 1914 (at p. 175) repealed and the following substituted therefor.

31. A society may, with the approval of the Registrar, receive deposits and loans from persons who are not members of such society, only to such extent and under such conditions as shall be provided by the rules or by-laws.

Vide Law 18 of 1926 sec. 3.

the time of the admission of the borrower as a member of the society. The agricultural operations referred to above shall include the extension or improvement of the borrower's holding, and the purchase of manure, seed, cattle and implements or other similar purposes.

33. A society may deposit its funds or any part thereof in the Government Savings Bank or in such other banks as may be approved for this purpose by the Registrar.

Deposit of society's funds.

34. No dividend or payment out of profits shall be paid to a member of a society, except as provided in section 31, but all profits shall be carried to a fund to be called the Reserve Fund.

Application of profits.

35.—(1.) The Reserve Fund shall not be divided among the members, but may be applied to meet occasional deficiencies incurred by the society, and in case of dissolution any balance of the Reserve Fund after liquidation shall be invested as the Registrar may direct and the income derived therefrom shall be devoted to some useful purpose in the same District in which such society operated, in accordance with the bye-laws of such society, or in the absence of any such bye-laws in such manner as the Registrar shall determine.

Reserve Fund.

(2.) The principal of such Reserve Fund shall remain intact and so invested until such time as another society shall be established in the same area, when such principal may then be transferred to such new society for the purpose of forming a Reserve Fund under the conditions provided under this Law; provided that if after a period of five years has elapsed from the date of dissolution no such new society shall have been established as aforesaid the Registrar may apply the whole or any part of the said Reserve Fund to some useful purpose within the district in which such dissolved society operated in such manner and under such conditions as he may think fit.

*Inspection of affairs.*

36.—(1.) The Registrar may of his own motion or on the application of the Commissioner of the District, and shall on the application

Inquiry by Registrar.



31. A society may receive and pay interest on deposits from members to such extent and under such conditions as shall be provided by the bye-laws. Deposits.

32. No loan shall be made except for an approved purpose connected with some agricultural operation which by its profits should, in the opinion of the committee, enable the borrower to repay the loan, or for the redemption of land from an existing mortgage, or for the liquidation of debts of any kind whatsoever existing at the time of the admission of the borrower as a member of the society. The agricultural operations referred to above shall include the extension or improvement of the borrower's holding, and the purchase of manure, seed, cattle and implements or other similar purposes. Loans to be made only for an approved purpose.

33. A society may deposit its funds or any part thereof in the Government Savings Bank or in such other banks as may be approved for this purpose by the Registrar. Deposit of society's funds.

34. No dividend or payment out of profits shall be paid to a member of a society, except as provided in section 31, but all profits shall be carried to a fund to be called the Reserve Fund. Application of profits.

35.—(1.) The Reserve Fund shall not be divided among the members, but may be applied to meet occasional deficiencies incurred by the society, and in case of dissolution any balance of the Reserve Fund after liquidation shall be invested as the Registrar may direct and the income derived therefrom shall be devoted to some useful purpose in the same District in which such society operated, in accordance with the bye-laws of such society, or in the absence of any such bye-laws in such manner as the Registrar shall determine. Reserve Fund.

(2.) The principal of such Reserve Fund shall remain intact and so invested until such time as another society shall be established in the same area, when such principal may then be transferred to such new society for the purpose of forming a Reserve Fund under the conditions provided under this Law; provided that if after a period of five years has elapsed from the date of dissolution no such new society shall have been established as aforesaid the Registrar may apply the whole or any part of the said Reserve Fund to some useful purpose within the district in which such dissolved society operated in such manner and under such conditions as he may think fit.

*Inspection of affairs.*

36.—(1.) The Registrar may of his own motion or on the application of the Commissioner of the District, and shall on the application Inquiry by Registrar.

of a majority of the committee, or of not less than one-third of the members, hold an inquiry or direct some person authorized by him by order in writing in this behalf to hold an inquiry into the constitution, working and financial condition of a registered society, and shall communicate the result of such inquiry to the person (if any) desiring him to hold such inquiry and to the Committee.

(2.) All officers and members of the society shall furnish such information in regard to the affairs of the society and shall produce all such books as the Registrar or the person authorized by the Registrar may require.

Inspection  
of books of  
indebted  
society.

**37.**—(1.) The Registrar shall, on the application of a creditor of a society, inspect or direct some person authorized by him by order in writing in this behalf to inspect the books of the society:

Provided that:—

(a.) The applicant satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within a reasonable time; and

(b.) The applicant deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

(2.) The Registrar shall communicate the results of any such inspection to the creditor.

Costs of  
inquiry.

**38.** Where an inquiry is held under section 36 or an inspection is made under section 37, the Registrar may apportion the costs, or such part of the costs as he may think right, between the society, the members or creditor demanding an inquiry or inspection (if any), and the officers or former officers of the society.

Recovery of  
costs.

**39.** Any sum awarded by way of costs under section 38 may be recovered on application to the proper District Court.

#### *Dissolution of Society.*

Dissolution.

**40.**—(1.) If the Registrar, after an inquiry has been held under section 36 or after an inspection has been made under section 37 or on receipt of an application made by three-fourths of the members of a registered society, is of opinion that the society ought to be dissolved, he may cancel the registration of the society.

(2.) Any member of a society may, within two months from the date of an order made under sub-section (1), appeal from such order.

(3.) Where no appeal is presented within two months from the making of an order cancelling the registration of a society, the order shall take effect on the expiration of that period.

(4.) Where an appeal is presented within two months, the order shall not take effect until it is confirmed by the appellate authority.

(5.) The authority to which appeals under this section shall lie shall be the High Commissioner in Council.

(6.) Any cancellation or the result of any appeal shall be published in the *Cyprus Gazette*, and be posted up in the town or village or group of villages in which the society has operated.

41. The Registrar shall, by order in writing, cancel the registration of the society if at any time it is proved to his satisfaction that the number of the members has been reduced to less than twelve. Provided that if the number shall be reduced below twelve by the death of a member, a period of two months may be allowed by the Registrar for the election of a new member.

Cancellation  
of registra-  
tion.

42. Where the registration of a society is cancelled the society shall cease to exist as a corporate body:—

Effect of  
cancellation.

(a.) In the case of cancellation in accordance with the provisions of section 40, from the date the order of cancellation takes effect;

(b.) In the case of cancellation in accordance with the provisions of section 41, from the date of the order.

43.—(1.) Where the registration of a society is cancelled under section 40 or section 41, the Registrar may appoint a competent person to be liquidator of the society and may remove him.

Winding up.

(2.) A liquidator appointed under sub-section (1) shall have power:—

(a.) To take possession of all the assets of the society and all books and documents of such society;

(b.) To institute and defend suits and other legal proceedings on behalf of the society by his name of office;

(c.) To determine the contribution to be made by the members and past members of the society respectively to the assets of the society;

(d.) To investigate all claims against the society, and subject to the provisions of this Law to decide questions of priority arising between the claimants;

(e.) To determine by what persons and in what proportion the costs of the liquidation are to be borne; and

(f.) To give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society.

Appeal.

(3.) Where an appeal from any order made by a liquidator under this section is provided for by the rules, it shall lie to the District Court. Such an appeal shall lie in cases of decision under subsection (2) (c), (d), and (e).

Further powers of liquidator.

44. Subject to any rules, a liquidator appointed under this Law shall, in so far as such powers are necessary for carrying out the purposes of this Law, have power to summon and enforce the attendance of witnesses, to examine witnesses on oath and to compel the production of accounts, books and documents in the same manner and with the same powers as those possessed by a District Court or a Judge thereof.

Enforcement of orders.

45. Orders made under section 43 shall, on application, be enforced as follows:—

(a.) When made by a liquidator, by any Civil Court having local jurisdiction in the same manner as a decree of such Court;

(b.) When made by a District Court on appeal, in the same manner as a decree of such Court made in any suit pending therein.

Jurisdiction of Civil Court.

46. Save in so far as is hereinbefore expressly provided, no Civil Court shall have any jurisdiction in respect of any matter connected with the dissolution of a society under this Law.

#### *Miscellaneous.*

Recovery of sums due to Government.

47. All sums due from a society or from an officer or member or past member of a society as such to the Government, including any costs awarded to the Government under section 43, may be recovered in the same manner as arrears of revenue. Sums due from a registered society to Government and recoverable as above may be recovered, firstly, from the property of the society and, secondly, from the members or, if they are deceased, from their estates.

#### *Rules.*

Rules.

48.—(1.) The High Commissioner in Council may make rules to carry out the purposes of this Law.

(2.) In particular and without prejudice to the generality of the foregoing power, such rules may:—

(a.) Prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications;



- (b.) Prescribe the matters in respect of which a society may or shall make bye-laws and for the procedure to be followed in making, altering and abrogating bye-laws, and the conditions to be satisfied prior to such making, alteration or abrogation;
- (c.) Prescribe the conditions to be complied with by persons applying for admission or admitted as members, and provide for the election and admission of members, and the payment (if any) to be made before the exercise of the right of membership;
- (d.) Provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings;
- (e.) Provide for the constitution, appointment, suspension and removal of the members of the committee and council and other officers, and for the procedure at meetings of the committee and council, and for the powers to be exercised and the duties to be performed by the committee and council and other officers;
- (f.) Prescribe the accounts and books to be kept by a society and provide for the audit of such accounts and the charges, if any, to be made for such audit, and for the periodical publication of a balance-sheet showing the assets and liabilities of a society;
- (g.) Prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted;
- (h.) Provide for the persons by whom and the form in which copies of entries in books of societies may be certified;
- (i.) Provide for the formation and maintenance of a register of members;
- (j.) Provide that any dispute touching the business of a society between members or past members of the society or persons claiming through a member or past member or between a member or past member or persons so claiming and the committee or any officer shall be referred to the Registrar for decision, or if he so directs to arbitration, and prescribe the mode of appointing an arbitrator or arbitrators and the procedure to be followed in proceedings before the Registrar or such arbitrator or arbitrators, and the enforcement of the decisions of the Registrar or the awards of arbitrators;
- (k.) Provide for the withdrawal and expulsion of members and for the liabilities of past members;

- Repealed  
Law 25/1939*
- (l.) Prescribe the amount, the rate of interest and other conditions upon which a society may borrow loans or accept deposits, and the periods for which such loans and deposits may be accepted and made;
- (m.) Prescribe the conditions to be complied with by members applying for loans, the period for which loans may be made, and the amount which may be lent, to an individual member or in the aggregate;
- (n.) 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;
- (o.) Prescribe the extent to which a society may limit the number of its members;
- (p.) Subject to the provisions of section 43, determine in what cases an appeal shall lie from the orders of the Registrar and prescribe the procedure to be followed in presenting and disposing of such appeals; and
- (q.) Prescribe the procedure to be followed by a liquidator appointed under section 43, and the cases other than those provided in section 43 in which an appeal shall lie from the order of such liquidator.

Rules to be published.

49. All rules made under section 48 shall be published in the *Cyprus Gazette* and on such publication shall have effect as if enacted in this Law.

### 10 OF 1923.

TO PROVIDE FOR CO-OPERATIVE SOCIETIES (OTHER THAN CO-OPERATIVE CREDIT SOCIETIES).

MALCOLM STEVENSON.]

[May 12, 1923.

*Title, Application and Definition.*

- Repealed by  
Law 25/1939*
- Short title. 1. This Law may be cited as the Co-operative Societies Law, 1923.
- Application. 2. This Law shall not apply to Co-operative Credit Societies.
- Definitions. 3. In this Law, unless the context otherwise requires:—
- (a.) "Bye-law" means a registered bye-law for the time being in force and includes a registered amendment of the bye-laws.
- (b.) "Committee" means the governing body of a society to which the management of the affairs of such society is entrusted.