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SCHEDULES

THE BUILDING SOCIETIES ACT

[4th June, 1897.]

Cap. 48.
Law
67 of 1955
S. 62.
Acts
22 of 1967,
55 of 1968,
42 of 1969
3rd.Sch.,
32 of 1974,
15 of 1976,
1 of 1979,
1st Sch.,
3 of 1985,
3 of 1995,
27 of 1995,
42 of 1997,
12 of 2002.

- 1. This Act may be cited as the Building Societies Act.
- 2. The Court in this Act means the Supreme Court.

Short title.
Interpreta-
-tion.

Incorporation of Building Societies

3. Any number of persons who desire to establish a building society, may, on having its rules certified as by this Act provided, obtain from the Deputy Keeper of the Records a certificate of incorporation in the form set out in the First Schedule:

Incorpora-
-tion of
societies.
Form A in
First
Schedule.

Provided that no society shall be incorporated in a name identical with a then existing society or so nearly resembling the same as to be calculated to deceive unless such existing society is in course of being terminated or dissolved and consents to such registration.

The society shall supply to any person requiring the same a complete printed copy of the rules, with a copy of the certificate of incorporation appended thereto, and shall be entitled to charge for every such printed copy of rules a sum not exceeding ten cents.

Rules and Certification

Rules.

4.—(1) It shall be lawful for the several shareholders of a society from time to time to assemble together, and by majorities of those present to make, ordain and constitute such proper and wholesome rules for the government and guidance of the same, as to the major part of the share-holders of such society so assembled together shall seem meet, so as such rules shall not be repugnant to the express provisions of this Act, and the general laws of the Island; and to inflict and impose such reasonable fines, penalties, and forfeitures upon the several shareholders of such society as shall offend against any such rules, as the share-holders, by such majority present at any such meeting may think fit; which fines, penalties, and forfeitures shall be paid to and for the benefit of the general funds of such society; and also from time to time, in the manner, and by the majorities required by this Act, or by the rules of such society for the time being, to alter and amend such rules as occasion shall require or render desirable, or annul, rescind, or repeal the same, and to make new and other rules for the furtherance of the objects of such society.

(2) The rules of every building society shall set forth—

- (a) the name of the society and chief office or place of meeting for the business of the society;
- (b) the purposes to which the funds of the society are to be applied, and the manner in which they are to be invested;

72. The Minister may guarantee any loan or loans made by a society under the provisions of this Act up to a maximum of 25 *per centum* on any loan or loans made by a society in respect of any one Scheme.

Extent of
guarantee by
the Minister.
55/1968
S. 63 (e).

73. In any case where the Minister at any time becomes liable to make any payment to a society in respect of any guarantee given in accordance with the provisions of section 72, such payment shall be a charge on the Consolidated Fund and assets of the Island.

Payment of
guarantee.
67/1955
S. 62(e).
55/1968
S. 63(d).

74.—(1) Every loan made under the provisions of section 70 shall be secured by an Instrument of Mortgage in the form set out in the Seventh Schedule, and shall be registerable and enforceable as a Mortgage pursuant to the Registration of Titles Act.

Form of
Mortgage.

Seventh
Schedule.

(2) Notwithstanding anything contained in any other enactment, any Mortgage or other Instrument necessary for the purpose of securing any loan under this Act, or for preserving or enforcing any security taken therefor, including the sale and transfer of any property mortgaged or charged, upon which, or in respect of which stamp duties, registration fees or recording fees are payable, shall be exempt from the payment of such stamp duties, registration or recording fees.

Exemption in
respect of all
fees and
stamp duties.

Action by Minister and Supervisor where Societies cease to be viable

42/1997
S. 4.
12/2002
S. 2 (a).

75. For the purposes of this Act—

Interpreta-
tion.

“capital base” in relation to a building society means a total of—

- (a) the amount paid up on its capital shares;
- (b) its deferred shares (if any);
- (c) the reserve fund;
- (d) the retained earnings reserve,

less any amount by which that total has become impaired;

“capital share” means a permanent non-withdrawable share issued on terms that it may be interest-bearing, but does not include a redeemable preference share;

“deferred share” means a share issued by a mutual society on terms that it shall not be withdrawable for not less than three years, and that it may be interest-bearing;

“mutual society” means a building society in relation to which—

- (a) all assets of the society are held by members in common;
- (b) each member is entitled to one vote without regard being had to the number of shares (if any) held by such member;
- (c) any surplus assets remaining after a dissolution of the society are distributed among members *pari passu*;

“proprietary society” means a building society in relation to which—

- (a) voting rights are confined to a particular class of shares; and such rights are determined by the number of shares held;
- (b) any surplus assets remaining after a dissolution are distributed to holders of a particular class of shares or subordinated debt in the rank and proportion appropriate to their share holding;

12/2002
S. 2 (b).

“regulated or supervised financial institution” means an institution regulated or supervised by the Bank of Jamaica or the Financial Services Commission;

“Supervisor” and “Deputy Supervisor” shall be construed in accordance with the Bank of Jamaica Act.