



Western Australia

Co-operative and Provident Societies Act 1903

## **Co-operative and Provident Societies Regulations 1904**

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As at 02 Dec 2005

Version 01-a0-02

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2 December 2005

Western Australia

## Co-operative and Provident Societies Regulations 1904

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Co-operative and Provident Societies Act 1903

## **Co-operative and Provident Societies Regulations 1904**

### **1. Citation**

These regulations are the *Co-operative and Provident Societies Regulations 1904*<sup>1</sup>.

*[Regulation 1 inserted in Gazette 11 Jan 2005 p. 91.]*

*[Heading deleted in Gazette 11 Jan 2005 p. 94.]*

### **2. No registration of identical or misleading names**

The Registrar shall not register a society or register an amendment of rules of a society under a name identical with that of any other existing registered society, or so nearly resembling such name as to be likely, in his opinion, to mislead the members or the public as to its nature or its identity.

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

### **3. Form of application**

- (1) Application for registry of a society under the Act shall be made to the Registrar, in Form 1, annexed hereto, and shall be signed by 7 members and the secretary, accompanied by 2 copies of the rules, each copy being marked "A", with a certificate in

Form 1A annexed hereto, appended to each copy, signed by the 8 persons who make the application for registry.

- (2) Accompanying the said form there shall also be sent a list, in Form 2 annexed hereto, of the titles and names of the officers and committee of management, and the fee prescribed in regulation 41. The name of every society applying for registration shall contain as the last words thereof the words “society, limited”, and shall not contain the word “company”.

*[Regulation 3 amended in Gazette 11 Jan 2005 p. 91.]*

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**4. Rule amendments to be registered**

No amendment of a rule or rules shall be valid until the same has been registered. An amendment of a rule or rules of a registered society, which includes a new rule and a resolution rescinding a rule or rules, may be either —

- (a) a complete amendment consisting of the substitution of an entire set of rules for the existing rules, and bearing at the beginning words to the effect that “all previous rules are rescinded”; or
- (b) a partial amendment consisting of any amendment which does not substitute an entire set of rules for the existing rules.

**5. Application to register partial rule amendments**

An application for the registration of a partial amendment of rules must be made by the secretary of the society in Form 3 annexed hereto, and must be accompanied by a statutory declaration by the secretary or other officer of the society in Form 4 annexed hereto, by a copy of the existing registered rules marked to show where the alterations occur and what they are, by the fee prescribed in regulation 41, and by the following documents —

- (a) if the partial amendment consists of the addition or substitution of a new rule or part of a rule or rules,

2 copies of such rule or part of a rule or rules, each copy being marked “O” and signed by 3 members and the secretary;

- (b) if the partial amendment consists of the rescission of any rule or rules or part of any rule, without any substitution, 2 copies of the resolution for such rescission, each copy being marked “O” and signed by 3 members and the secretary.

**6. Registrar to check validity of partial amendments**

The Registrar, before registering the partial amendment of rules, shall ascertain that the rules of the society, if altered in accordance with the proposed partial amendment, will provide for all the matters required by the Act to be provided for by the rules of a registered society.

**7. Application to register complete amendments of rules**

An application for the registration of a complete amendment of rules shall be made by 3 members and the secretary of the society in Form 5 annexed hereto, and must be accompanied by a statutory declaration in Form 4 annexed hereto, by a copy of the existing rules, by 2 copies of the new rules (each copy being marked “P” and signed by each of the applicants), and by the fee prescribed in regulation 41.

**8. Registrar to check complete amendment of rules**

The Registrar, before registering a new set of rules, shall ascertain that it provides for all matters which by the Act are to be provided for by the rules of a registered society.

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**9. Form of acknowledgment of registration**

The acknowledgment (I) of the registry of a society, (II) of the registry of a partial amendment of rules, and (III) of a complete amendment of rules shall be respectively as is provided in

Form 6 annexed hereto. The certificate (IV) to rules or extracts from rules shall be as is provided in the same Form 6.

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**10. Form of request to cancel registry**

Every request by a registered society for cancellation of its registry shall be sent to the Registrar, in Form 7 annexed hereto, signed by the secretary, and shall name some newspaper circulating in the locality in which the registered office of the society is situated wherein the notice of cancellation of registry may be published, and shall be accompanied by the sum requisite to defray the expense of such publication, as well as of the publication of such notice of cancelling in the *Government Gazette*. Such request shall be verified by the statutory declaration of the secretary or other officer of the society, in Form 8, or evidenced in such manner as the Registrar shall direct.

**11. Notice to be given**

Notice before cancellation or suspension of registry of a society shall be given to the society in Form 9 annexed hereto, and shall be published in the *Government Gazette* and in a newspaper circulating in the locality in which the registered office of the society is situated.

**12. Method of cancellation, suspension, etc.**

The cancelling of registry shall be in Form 10 annexed hereto. The suspension or renewal of suspension of registry shall be in Form 11 annexed hereto. The advertisement of cancelling or suspension shall be in Form 12 annexed hereto.

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**13. Notice of situation of registered office**

Notice of situation of the registered office of a society, and of any change therein, shall be given to the Registrar, in duplicate, immediately after such office is fixed, or such change is made,



in Form 13 annexed hereto. Notice of the situation of the registered office of a society on first registry shall be deemed to be given by the rules.

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**14. Records of appointments, etc.**

A notice containing a copy of every resolution appointing or removing the secretary and the committee of management or other directing body of a registered society, and of any change therein, shall be sent to the Registrar, in duplicate, within 14 days after the passing of such resolution, and the Registrar shall sign the memorandum of receipt thereon, and return one copy to the society. Such notice shall be in Form 14 annexed hereto (in the case of the committee of management) and in Form 15 annexed hereto (in the case of the secretary), and shall be signed in the manner directed on such Forms respectively. On payment of the fee prescribed in regulation 41 the Registrar shall issue a certificate in Form 16 annexed hereto of the names of the committee of management and secretary, duly authenticated.

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**15. Annual return**

An annual general audited statement, or annual return, of every registered society showing fully the assets and liabilities at the date and the receipts and expenditure for the year or period preceding the date to which it is made out, together with any other particulars required by the Registrar, shall be sent by such society to the Registrar, in Form 17 annexed hereto, so as to reach him before 1 September in every year. Such annual return shall be made out for the period from the date of the previous annual return, or, in case of newly registered societies, from the date of registration, to 30 June, or to the date of the last published balance sheet, if such last-named date is not more than one month before or after such 30 June.

*[Regulation 15 amended in Gazette 22 Oct 1970 p. 3236.]*

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**16. Form of nomination, revocation, and variation**

Every registered society shall keep a book or register wherein is entered a record of all nominations made by members, and of all revocations and variations of the same; and for the recording of and registering of every such nomination, revocation, or variation the rules of the society may require the member nominating to pay a sum not exceeding 3 cents. The form for nomination, revocation, and variation recommended is that given in Form 18 annexed hereto.

*[Regulation 16 amended by Act No. 113 of 1965 s. 8(1).]*

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**17. Referring a dispute to the Registrar**

The reference of a dispute to the Registrar shall be in duplicate, in Form 19 annexed hereto. The Registrar, upon receipt of the reference, shall transmit one copy to the Minister for his consent.

**18. Notice and requisition by Registrar in dispute**

Every notice of hearing by the Registrar, and every requisition for the attendance of parties and witnesses and the production of books and documents, shall be in Form 20 annexed hereto.

**19. Special requisition to witness**

When it is necessary to enforce the attendance of a particular witness or the production of a particular document, notice shall be given in Form 21 annexed hereto.

**20. Order for discovery**

If an order for discovery is necessary it shall be in Form 22 annexed hereto.

**21. Determination and order**

The determination and order of the Registrar in the dispute shall be in Form 23 annexed hereto, or as near thereto as the circumstances of the case may in his judgment allow.

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**22. Application to Registrar for inspectors or special meeting**

An application for appointment of an inspector or inspectors to examine and report on the affairs, or for calling a special meeting of a registered society shall be sent to the Registrar, in duplicate, in Form 24 annexed hereto, and shall be accompanied by a statutory declaration, in Form 25 annexed hereto, by 3 at least of the applicants.

**23. Production of books, etc.**

The society and its officers shall produce all books and other matters described in section 38(5) of the Act when so required by any inspector duly appointed under the said section.

**24. Appointment of an inspector or inspectors**

The appointment of an inspector or inspectors shall be in Form 26 annexed hereto, or as near thereto as circumstances may allow.

**25. Notice of a special meeting called by Registrar**

The notice of special meetings called by Registrar shall be in Form 27 annexed hereto, and shall be given either by letter addressed to every member, or by advertisement, or in such other manner as the Registrar may direct.

**26. Report of Chairman of special meeting**

The Chairman of the special meeting shall make a report thereof to the Registrar, as the Registrar shall direct, in Form 28 annexed hereto.

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**27. Change of name**

The application for approval and notice of change of name of a registered society and for registry of a special resolution therein shall be in Form 29 annexed hereto, and shall be sent to the Registrar in duplicate, accompanied by a statutory declaration in Form 30 annexed hereto. The Registrar, before approving the change of name, shall ascertain that the new name is not identical with that of any existing registered society or so nearly resembling the same as to be likely, in his opinion, to mislead the members or the public as to its nature or its identity; and if the change of name be approved, the word "Approved" shall be written at the foot or end of each copy of the application, and the same shall be signed by the Registrar and registered by him. Until such change of name is duly registered the same shall not take effect.

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**28. Amalgamation**

Where 2 or more registered societies desire to become amalgamated together as one society, notice thereof and application for registry of a special resolution therein shall be given to the Registrar, in duplicate, by each such society in Form 31 annexed hereto, accompanied by statutory declarations from officers of each such society in Form 30 annexed hereto, and the Registrar shall return to the amalgamated society one copy of the notice, with the word "Registered" at the foot thereof, and duly authenticated.

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**29. Transfer of engagements**

An application to register a special resolution for transfer of the engagements of one registered society to another shall be in duplicate, in Form 32 annexed hereto, and must be supported by statutory declarations in Forms 30 and 33 annexed hereto, as the case may be.

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**30. Conversion of registered society into a company**

An application to register a special resolution for converting a registered society into a company, or for its amalgamation with a company, or for transfer of its engagements to a company, shall be in triplicate, in Form 34 annexed hereto, with necessary modifications, and must be supported by statutory declarations in Forms 30, 35, or 36, as the case may be.

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**31. Conversion of company into a registered society**

An application to register a special resolution for converting a company into a registered society must be in triplicate, in Form 37 annexed hereto, and must be supported by a statutory declaration in Form 30, and by an application for registry under this Act in accordance with regulation 3 above.

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**32. Registration of special resolutions**

A special resolution shall be registered by writing at the foot or end of each copy of the same the word “Registered”, and by affixing thereto the seal and signature of the Registrar, and until such copy is so registered such special resolution shall not take effect.

*[Heading deleted in Gazette 11 Jan 2005 p. 94.]*

**33. Further requirements for registration of certain special resolutions**

When the special resolution is for conversion into, amalgamation with, or transfer of engagements to a company, the following words shall be added, together with the signature and the seal of the Registrar — “The registry of the society

**r. 34**

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known as \_\_\_\_\_ Society, Limited, register No. \_\_\_\_\_,  
is hereby cancelled”.

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**34. Instrument of dissolution**

The instrument of dissolution of a society shall be in Form 38 annexed hereto, and shall be signed in duplicate, and accompanied by a statutory declaration by 3 members and the secretary, in Form 39 annexed hereto, and by a statement in Form 40 annexed hereto, naming some newspaper circulating in the locality in which the registered office of the society is situated wherein the notice of dissolution may be published, and by the sum requisite to defray the expenses of such publication, as well as of the publication of such notice in the *Government Gazette*.

**35. Acknowledgment of instrument of dissolution**

The Registrar shall return one of the duplicates to the society with an acknowledgment of registry in Form 41 annexed thereto.

**36. Alterations to instrument of dissolution**

Alterations in the instrument of dissolution shall be signed, declared to, and registered in like manner as the instrument of dissolution.

**37. Advertisement of dissolution by instrument**

The advertisement of dissolution by instrument shall be in Form 42 annexed hereto.

*[Heading deleted in Gazette 11 Jan 2005 p. 94.]*

**38. Notice of order to set aside dissolution**

The notice of a proceeding to set aside a dissolution shall be in Form 43 annexed hereto, and the notice of an order setting aside a dissolution in Form 44 annexed hereto.

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**39. Seal**

The seal of the Registrar shall bear the armorial bearings of the State and the words “The seal of the Registrar of Co-operative and Financial Institutions” around or above and the words “Western Australia” below. Every document under the Act bearing the seal of the Registrar shall be deemed to be duly authenticated for the purposes of the Act and the regulations made thereunder.

*[Regulation 39 amended in Gazette 11 Jan 2005 p. 92.]*

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**40. Inspection of documents in custody of Registrar**

Documents relating to any registered society in the custody of the Registrar may be inspected at the Registrar’s office, on application made by any person entitled to inspect the same to the Registrar during office hours, and on payment of the fees prescribed in regulation 41, subject in every case to the approval of the Registrar.

*[Regulation 40 amended in Gazette 11 Jan 2005 p. 92.]*

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**41. Fees**

The fees set out in the Table to this regulation are payable under the Act.

**r. 41**

**Table of Fees**

	<b>Fee (\$)</b>
(a) On lodgment of application for registry of a society .....	4.00
(b) On lodgment of a partial amendment of rules for registry ..	1.00
(c) For registry of change of name .....	0.50
(d) For registry of amalgamation .....	1.00
(e) For registry of transfer of engagements .....	1.00
(f) For registry of conversion into a company, or amalgamation with or transfer of engagements to a company .....	1.00
(g) For a certificate of the names of the committee and secretary of a society .....	0.25
(h) For every appointment of inspectors, or calling of special meeting by the Registrar .....	2.00
(i) For the determination of the Registrar on a dispute or for his award for dissolution or distribution of funds .....	10.00
(j) If more than one hearing or adjournment be necessary in case of any dispute or application for award of dissolution, for every hearing after the first, and for every adjournment, an additional fee of .....	10.00
(k) For an order for discovery by the Registrar under s. 35(6) of Act .....	0.25
(l) For registry of notice of dissolution .....	2.00
(m) For every document required to be authenticated by the Registrar not chargeable with any other fee .....	0.25
(n) For every inspection on the same day of documents (whether one or more), in the custody of the Registrar, relating to one and the same society .....	0.25
(o) For every copy or extract of any document in the custody of the Registrar (in addition to the fee for authentication) —	
(i) up to 216 words .....	0.25
plus	
(ii) per folio of 72 words in excess of 216 words .....	0.01

*[Regulation 41 inserted in Gazette 11 Jan 2005 p. 92-3.]*



**42. Matters for which no fee is payable**

- (1) No fee is payable for the registry or recording of —
- (a) the appointment and removal of the committee or secretary;
  - (b) the cancelling or suspension of registry;
  - (c) a notice of change of registered office;
  - (d) an application for conversion of a company into a registered society other than the fee under regulation 41 item (a);
  - (e) any document or copy of document supplied to a public department; or
  - (f) any document in respect of which a fee is already chargeable under the Act or any other Statute.
- (2) The Registrar may dispense with the fee for inspection of documents if he considers it to be in the public interest.

*[Regulation 42 inserted in Gazette 11 Jan 2005 p. 93.]*

**43. Moneys to general revenue**

All fees, fines, and penalties which may be received by the Registrar, under or by virtue of the Act and these regulations, shall be paid into the Treasury to the credit of the general revenue.

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**44. Penalty**

Every registered society, and every officer and member thereof and any person guilty of any act or default contrary to these regulations shall, for every such act or default, be liable to a penalty not exceeding \$40.

*[Regulation 44 amended by Act No. 113 of 1965 s. 8(1).]*

*[Headings deleted in Gazette 11 Jan 2005 p. 94 and 95.]*

**45. Registrar may permit modification of forms**

- (1) When anything is required to be in any of the forms annexed hereto, it shall be sufficient if it be to the like effect, and any such forms may be modified by the authority of the Registrar to suit particular cases, and the Registrar may require further evidence by statutory declaration, in addition to that prescribed by these regulations, in any case in which to him it may seem expedient. The Registrar may dispense with the obligation to supply a duplicate of any document where such obligation is imposed only by the regulations.
- (2) In these regulations a reference to a form annexed hereto is a reference to a form set out in Schedule 1.

*[Regulation 45 amended in Gazette 11 Jan 2005 p. 93.]*

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**Schedule 1 — Forms**

[Heading inserted in Gazette 11 Jan 2005 p. 93.]

**FORM 1**

[Reg. 3]

*Co-operative and Provident Societies Act 1903*

**APPLICATION TO REGISTER A SOCIETY**

Name of Society ..... Society, Limited.

*To the Registrar*

1. Application to register a society under the above-named Act, as a co-operative and provident society under the above name, is made by the 8 members whose names are subscribed at the foot hereof.
2. The society complies with section 3(1) of the Act.
3. The society does not and the rules do not allow the society to carry on the business of banking.
4. The society was established on the            day of            , 20    .
5. The matters hereinafter mentioned are provided for in the rules of the society as follow, that is to say: —
  - (1) The name of the society, in Rule No.    .
  - (2) The registered office of the society is at            , as set forth in Rule No.    .
  - (3) The whole of the objects for which the society is established, in Rule No.    .
  - (4) The terms of admission of members, including any society or company investing funds in the society under the provisions of the Act, in Rule No.    .
  - (5) The mode of holding meetings, in Rule No.    , and the scale and right of voting thereat, in Rule No.    .
  - (6) The manner of making, altering, amending, and rescinding rules, in Rule No.    .

- (7) The appointment and removal of a committee of management (by the name of                   ), in Rule No.           , the powers and duties of the said committee, in Rule No.           , and their remuneration (if any), in Rule No.           .
- (8) The appointment and removal of a manager and secretary, in Rule No.           , the powers and duties thereof, in Rule No.           , and the remuneration, in Rule No.           .
- (9) The appointment, removal, powers, duties, and remuneration of other officers, in Rules Nos.           .
- (10) The determination of the amount of interest, not exceeding \$400, in the shares of the society which any member or body other than a registered society may hold, in Rule No.           .
- (11) The determination whether the society may contract loans or receive money on deposit, subject to the provisions of the Act, from members or others, and if so, under what conditions, on what security, and to what limits of amount, in Rule No.           .
- (12) The determination whether the shares or any of them shall be transferable, and provision for the form of transfer and registration of the shares and for the consent of the committee of management thereto, in Rule No.           .
- (13) The determination whether the shares or any of them shall be withdrawable, and provision for the mode of withdrawal and for payment of the balance due thereon on withdrawing from the society, in Rule No.           .
- (14) The investment of the funds, by what authority and in what manner, in Rule No.           .
- (15) The keeping of the accounts, in Rule No.           .
- (16) The audit and inspection of the accounts and securities at least once every year, in Rule No.           , the appointment of auditors or that a public auditor be employed, in Rule No.           .
- (17) The determination whether and how members may withdraw from the society, in Rule No.           .
- (18) Provision for the claims of the representatives of deceased members or of the trustees of the property of bankrupt members, in Rule No.           .

- (19) The keeping of a nomination book, in Rule No.      , and provision for the payment of nominees, in Rule No.      .
- (20) The mode of application or appropriation of profits, in Rule No.      .
- (21) The device, custody, and use of the seal, in Rule No.      .
- (22) The manner of settling disputes, in Rule No.      .
- (23) The penalties imposed on officers and members for acts or defaults contrary to the rules, in Rule No.      .
- (24) The security to be given by officers having the receipt or charge of money of the society, in Rule No.      .
- (25) The restrictions (if any) placed upon the inspection of books by a member or person having an interest in the funds, in Rule No.      .
- (26) The keeping by the society of a register of members or shares with the particulars enumerated in section 25 of the Act, in Rule No.      .
- (27) The furnishing to the Registrar before 1 March in every year of an Annual Return, giving a duly audited general statement of the receipts and expenditure, funds and effects, and any other particulars required by the Registrar, in Rule No.      .
- (28) Provision that the following statutory duties shall be duly carried out: — Publication of name as per section 10(2); supplying copies of Annual Return, as per section 13(1); posting balance sheet and auditors' report, as per section 13(2); and supplying copy of rules as per section 9(5), in Rules Nos.      .

6. Accompanying this application are sent: —

- (a) Two printed copies (each marked "A") of the rules, each copy being signed by the members and secretary making this application.
- (b) A list in Form 2, of the titles and names of the officers and committee of management.
- (c) The prescribed fee of \$4.

* 1	.....	Member
2	.....	”
3	.....	”
4	.....	”



**FORM 1A**

[Reg. 3]

*Co-operative and Provident Societies Act 1903*

**CERTIFICATE OF MEMBERS**

We hereby certify that the foregoing rules of the .....  
..... Society, Limited, were duly  
passed at a meeting thereof, held at ....., on the .....  
day of ....., 20..... .

- |   |       |           |
|---|-------|-----------|
| 1 | ..... | Member    |
| 2 | ..... | Member    |
| 3 | ..... | Member    |
| 4 | ..... | Member    |
| 5 | ..... | Member    |
| 6 | ..... | Member    |
| 7 | ..... | Member    |
| 8 | ..... | Secretary |

*[Form 1A inserted in Gazette 11 Jan 2005 p. 94.]*

**FORM 2**

[Reg. 3]

*Co-operative and Provident Societies Act 1903*

**LIST OF OFFICERS AND COMMITTEE OF MANAGEMENT**

Name of Society ..... Society, Limited.

*To the Registrar.*

The following is a complete list of the Titles and Names of the Officers and Committee of Management of the above-named society, as at the day of                      , 20      .

Title	Name
Chairman	
Treasurer	
Secretary	
Manager	
Other Officers	
Members of Committee of Management	

Signature of Secretary .....

Received this                      day of                      , 20      .

.....

Registrar

*[Form 2 amended in Gazette 11 Jan 2005 p. 93 and 94.]*



**FORM 3**

[Reg. 5]

*Co-operative and Provident Societies Act 1903*

**APPLICATION FOR REGISTRY OF PARTIAL AMENDMENT OF  
RULES**

Name of Society ..... Society, Limited.

Register No. ....

*To the Registrar*

1. Application to register a partial amendment of rules of the above-named society is made by the secretary thereof.
2. With this application are sent —
  - (a) A copy of the existing registered rules marked to show where and in what way they are altered.
  - (b) \* Two printed copies of the amendment, each marked “O”, signed by 3 members and the secretary (*or if the partial amendment consists of the rescission of any of the rules without any substitution, 2 copies of the resolution for the rescission of certain rules, each copy marked “O”, signed by 3 members and the secretary*).
  - (c) A statutory declaration, in Form 4, by the secretary or other officer of this society that the amendment of rules now submitted for registry has been duly made by the society, and that to the best of his knowledge and belief the same is not contrary to the provisions of the Act in that behalf.
  - (d) The prescribed fee of \$1.

.....  
Signature of Secretary

Dated this                      day of                      , 20                      .

\* Strike out the part of this clause that does not apply.

*[Form 3 amended in Gazette 25 Jul 1919 p. 1361; 11 Jan 2005 p. 93 and 94; amended by Act No. 113 of 1965 s. 8(1).]*

**FORM 4**

[Regs. 5 & 7]

*Co-operative and Provident Societies Act 1903*

**DECLARATION ACCOMPANYING AMENDMENT OF RULES**

Name of Society ..... Society, Limited.

Register No. ....

I, \* of †, Secretary ‡ of the above-named Society do solemnly and sincerely declare that the amendment of rules, a copy of which is annexed hereto, has been duly made by the said society, and that to the best of my knowledge and belief the same is not contrary to the provisions of the above-named Act.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Ordinance made and passed in the eighteenth year of the reign of Her late Majesty Queen Victoria, No. 12<sup>2</sup>, intituled "An Ordinance for the Abolition of unnecessary Oaths, and to substitute declarations in lieu thereof."

Declared at \_\_\_\_\_, }  
in the State of Western Australia, }  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, } § .....  
before me. }  
..... J.P.

\* Name in full. † Address and occupation. ‡ Secretary or other officer. § Signature of declarant.

[Form 4 amended in Gazette 11 Jan 2005 p. 93.]

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**FORM 5**

[Reg. 7]

*Co-operative and Provident Societies Act 1903*

**APPLICATION FOR REGISTRY OF COMPLETE AMENDMENT OF  
RULES**

Name of Society ..... Society, Limited.

Register No. ....

1. Application to register a complete amendment of the registered rules of the above-named society is made by the 3 members and the secretary, whose names are subscribed at the foot hereof.
2. The complete amendment submitted for registry consists in the substitution of the set of rules, 2 copies of which (each copy marked "P" and signed by the applicants) accompanying this application, for the rules already registered.
3. The society with the rules as amended complies with section 3(1) of the Act.
4. The society does not and the rules as amended do not allow the society to carry on the business of banking.
5. The matters hereinafter mentioned are provided for in the rules of the society as follow, that is to say: —
  - (1) The name of the society, in Rule No. .
  - (2) The registered office of the society is at , as set forth in Rule No. .
  - (3) The whole of the objects for which the society is established, in Rule No. .
  - (4) The term of admission of members, including any society or company investing funds in the society under the provisions of the Act, in Rule No. .
  - (5) The mode of holding meetings, in Rule No. , and the scale and right of voting thereat, in Rule No. .
  - (6) The manner of making, altering, amending, and rescinding rules, in Rule No. .

- (7) The appointment and removal of a committee of management (by the name of                   ), in Rule No.           , the powers and duties of the said committee, in Rule No.           , and their remuneration (if any), in Rule No.           .
- (8) The appointment and removal of a manager and secretary, in Rule No.           , the powers and duties thereof, in Rule No.           , and the remuneration in Rule No.           .
- (9) The appointment, removal, powers, duties, and remuneration of other officers, in Rules Nos.           .
- (10) The determination of the amount of interest, not exceeding \$400, in the shares of the society which any member or body other than a registered society may hold, in Rule No.           .
- (11) The determination whether the society may contract loans or receive money on deposit, subject to the provisions of the Act, from members or others, and if so, under what conditions, on what security, and to what limits of amount, in Rule No.           .
- (12) The determination whether the shares or any of them shall be transferable, and provision for the form of transfer and registration of the shares, and for the consent of the committee of management thereto, in Rule No.           .
- (13) The determination whether the shares or any of them shall be withdrawable, and provision for the mode of withdrawal, and for payment of the balance due thereon on withdrawing from the society, in Rule No.           .
- (14) The investment of the funds, by what authority and in what manner, in Rule No.           .
- (15) The keeping of the accounts, in Rule No.           .
- (16) The audit and inspection of the accounts and securities at least once every year, in Rule No.           , the appointment of auditors or that a public auditor be employed, in Rule No.           .
- (17) The determination whether and how members may withdraw from the society, in Rule No.           .
- (18) Provision for the claims of the representatives of deceased members or of the trustees of the property of bankrupt members, in Rule No.           .

- (19) The keeping of a nomination book, in Rule No.      , and provision for the payment of nominees, in Rule No.      .
  - (20) The mode of application or appropriation of profits, in Rule No.      .
  - (21) The device, custody, and use of the seal, in Rule No.      .
  - (22) The manner of settling disputes, in Rule No.      .
  - (23) The penalties imposed on officers and members for acts or defaults contrary to the rules, in Rule No.      .
  - (24) The security to be given by officers having the receipt or charge of money of the society, in Rule No.      .
  - (25) The restrictions (if any) placed upon the inspection of books by a member or person having an interest in the funds, in Rule No.      .
  - (26) The keeping by the society of a register of members or shares with the particulars enumerated in section 25 of the Act, in Rule No.      .
  - (27) The furnishing to the Registrar before 1 March in every year an Annual Return, giving a duly audited general statement of the receipts and expenditure, funds and effects, and any other particulars required by the Registrar, in Rule No.      .
  - (28) Provision that the following statutory duties shall be duly carried out: — Publication of name as per section 10(2); supplying copies of Annual Return, as per section 13(1); posting Balance Sheet and Auditors' Report, as per section 13(2); and supplying copy of rules as per section 9(5); in Rules Nos.      .
6. Accompanying this application are sent —
- (a) A copy of the existing registered rules.
  - (b) Two printed copies of the complete amendment (each copy marked "P" and signed by the applicants), with the following words inserted at the beginning, "All previous rules are rescinded".
  - (c) A statutory declaration, in Form 4, by the secretary or other officer of this society that the amendment of rules now submitted for registry has been duly made by the society, and that to the best of his knowledge and belief the same is not contrary to the provisions of the Act in that behalf.

(d) The prescribed fee of \$1.

\* 1 ..... Member  
2 ..... ”  
3 ..... ”  
4 ..... Secretary

Postal Address of Secretary .....

Dated this            day of                            , 20    .

---

\* Signatures of 3 members and the secretary.

*[Form 5 amended in Gazette 25 Jul 1919 p. 1361; 11 Jan 2005 p. 93 and 94; amended by Act No. 113 of 1965 s. 8(1).]*

**FORM 6**

[Reg. 9]

*Co-operative and Provident Societies Act 1903*

I

**ACKNOWLEDGMENT OF REGISTRY OF A SOCIETY**

The ..... Society,  
Limited, registered under *Co-operative and Provident Societies Act 1903*.

Given under my hand this                      day of                      , 20     .

.....  
Registrar

---

II

**ACKNOWLEDGMENT OF REGISTRY OF PARTIAL AMENDMENT  
OF RULES**

The foregoing (or annexed) partial amendment of the rules of the .....  
..... Society, Limited, is registered under *Co-operative and  
Provident Societies Act 1903*.

Given under my hand this                      day of                      , 20     .

.....  
Registrar.

---

III

**ACKNOWLEDGMENT OF REGISTRY OF COMPLETE AMENDMENT  
OF RULES**

The foregoing (or annexed) complete amendment of the rules of the  
..... Society, Limited, is registered under *Co-operative and  
Provident Societies Act 1903*.

Given under my hand this                      day of    , 20      .

.....  
Registrar.

---

IV

**CERTIFICATE TO RULES OR EXTRACTS FROM RULES**

I hereby certify that the foregoing rules (*or* extracts from rules) of the Society  
called the ..... Society, Limited, established at .....  
..... were registered in accordance with the provisions of  
*Co-operative and Provident Societies Act 1903*, on the                      day  
of    , 20      .

Given under my hand this                      day of    , 20      .

.....  
Registrar

*[Form 6 amended in Gazette 11 Jan 2005 p. 93 and 94.]*



**FORM 7**

[Reg. 10]

*Co-operative and Provident Societies Act 1903*

**REQUEST TO CANCEL REGISTRY**

Name of Society ..... Society, Limited.

Register No. ....

*To the Registrar*

1. The above-mentioned society desires that its registry under the above-named Act may be cancelled on the following ground, viz. (*state reason for desiring cancelling of registry*), and at a general (*or special general*) meeting duly held on the                    day of                    , 20    , it was resolved as follows: —

“That the Registrar be requested to cancel the registry of this Society.”

2. This request is made by the Society accordingly.

3. The notice of such cancelling may be published in the                    (*naming some newspaper*) circulating in the locality in which the registered office of the society is situated.

4. The sum of ....., being the cost of publishing such notice in the said newspaper, and the further sum of ..... for the cost of publishing the same in the *Government Gazette*, are herewith transmitted.

....., Secretary

Dated this                    day of                    , 20    .

*[Form 7 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 8**

[Reg. 10]

*Co-operative and Provident Societies Act 1903*

**DECLARATION BY SECRETARY IN SUPPORT OF REQUEST  
TO CANCEL REGISTRY**

Name of Society ..... Society, Limited.

I                   , of                   , do solemnly and sincerely declare as follows, that is to say: —

- (1) That I am Secretary of the above-named society.
- (2) That the resolution, a copy of which is contained in the request to cancel the registry on Form 7 annexed hereto, was duly passed at a meeting held as therein described.

And I make, etc.

*[Form 8 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 9**

[Reg. 11]

*Co-operative and Provident Societies Act 1903*

**NOTICE BEFORE CANCELLING OR SUSPENSION OF REGISTRY**

Name of Society ..... Society, Limited.

Register No. ....

Notice is hereby given to the above-mentioned society that it is the intention of the Registrar to proceed, on the        day of        20    , to cancel [*or* suspend for (*any term not exceeding*) 3 months] the registry of the society, unless cause be shown to the contrary in the meantime. The ground of such proposed cancelling (*or* suspension) is that the society has made a request for cancellation of registry, *or* that an acknowledgment of the registry has been obtained by fraud of mistake, *or* that the society exists for an illegal purpose, *or* that the society has after notice from me violated the provisions of the above-mentioned Act, *or* that the number of members of the society has been reduced to less than 7, *or* that the society has ceased to exist.

*(The facts should be briefly specified where practicable.)*

.....  
Registrar

Dated this        day of        20    .

*[Form 9 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 10**

[Reg. 12]

*Co-operative and Provident Societies Act 1903*

**CANCELLING OF REGISTRY**

Name of Society ..... Society, Limited.

Register No. ....

The registry of the above-mentioned society is hereby cancelled at the request (*or as the case may be. The Registrar may, if he thinks fit, add a statement as in Form 9 of the ground of the cancelling*).

.....  
Registrar

Dated this            day of            , 20    .

*[Form 10 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 11**

[Reg. 12]

*Co-operative and Provident Societies Act 1903*

**SUSPENSION OR RENEWAL OF SUSPENSION OF REGISTRY**

Name of Society ..... Society, Limited.

Register No. ....

The registry of the above-named society is hereby (further) suspended for (*any term not exceeding*) 3 months from this date on the ground that (*here state the ground of suspension as in Form 9*).

.....  
Registrar

Dated this            day of                                    , 20     .

[*Form 11 amended in Gazette 11 Jan 2005 p. 93 and 94.*]

**FORM 12**

[Reg. 12]

*Co-operative and Provident Societies Act 1903*

**ADVERTISEMENT OF CANCELLING OR SUSPENSION**

Notice is hereby given that the Registrar has, pursuant to the *Co-operative and Provident Societies Act 1903*, this day cancelled (*or* suspended for                   ) the registry of the                    Society, Limited, register No.                   , held at                   , on the ground following, that is to say —

The society (subject to the right of review given by the said Act) ceases to enjoy (during such suspension) the privileges of a registered society, but without prejudice to any liability incurred by the society which may be enforced against it as if such cancelling (*or* suspension) had not taken place.

Dated this                    day of                   , 20                   .

.....  
Registrar

*[Form 12 amended in Gazette 30 Dec 2004 p. 6913; 11 Jan 2005 p. 93 and 94.]*

---

**FORM 13**

[Reg. 13]

*Co-operative and Provident Societies Act 1903*

**NOTICE OF CHANGE OF REGISTERED OFFICE**

Name of Society ..... Society, Limited,

Register No. ....

Notice is hereby given that the Registered Office of the above-named society is removed from                      , and is now situated at                      .

Dated this              day of                      , 20      .

.....  
Secretary

To the Registrar.

Received and registered this              day of                      , 20      , notice of removal of the Registered Office of the above-mentioned society to

.....  
Registrar

*[Form 13 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 14**

[Reg. 14]

*Co-operative and Provident Societies Act 1903*

**NOTICE OF RESOLUTION APPOINTING COMMITTEE  
OF MANAGEMENT**

Name of Society ..... Society, Limited.

Register No. ....

At a meeting of the above-named society duly convened as provided by the rules,  
and held the ..... day of ..... 20 , it was resolved by a  
majority of the members present and entitled to vote: —

That\* ..... of .....  
..... of .....  
..... of .....  
..... of .....  
..... of .....  
..... of .....  
and ..... of .....

be members of the committee of management in place of † .....  
.....  
‡ ..... committeeman .....  
..... committeeman .....  
..... committeeman .....

.....Secretary

Dated this                  day of                  , 20 .

\_\_\_\_\_

§ Registered this                  day of                  , 20 .

.....  
Registrar

---

\* State name in full, address, and occupation. † State name in full of each retiring committeeman,  
and whether deceased, resigned, or removed. ‡ Signature of each new committeeman and the  
secretary required. § Leave this part for the Registrar.

*[Form 14 amended in Gazette 11 Jan 2005 p. 93 and 94.]*



**FORM 15**

[Reg. 14]

*Co-operative and Provident Societies Act 1903*

**NOTICE OF RESOLUTION APPOINTING SECRETARY OF SOCIETY**

Name of Society ..... Society, Limited.

Register No. ....

*To the Registrar*

At the meeting of the above-named society duly convened as provided by the rules, held the        day of        , 20    , it was resolved by a majority of the members present and entitled to vote: —

That \* .....

Address .....

Occupation .....

be the Secretary of such Society in place of † .....  
.....

The above-named officer is not a trustee or auditor of the said Society.

‡ .....

Secretary of above-named Society

Dated this        day of        , 20    .

§ Registered this        day of        , 20    .

.....  
Registrar

\* State name in full, address, and occupation of new Secretary. † State name in full of retiring officer and whether deceased, resigned, removed, or retired. ‡ Ordinary signature.  
§ Leave this part for Registrar.

*[Form 15 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 16**

[Reg. 14]

*Co-operative and Provident Societies Act 1903*

**CERTIFICATE OF NAMES OF COMMITTEE AND SECRETARY**

I hereby certify that .....

.....

.....

.....

.....

.....

.....

.....

.....

are the registered members of the Committee of Management, and that .....

..... is the registered Secretary of the .....

Society, Limited.

Given under my hand this                      day of                      , 20     .

.....  
Registrar

*[Form 16 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 17**

[Reg. 15]

*Co-operative and Provident Societies Act 1903*

**ANNUAL RETURN**

Trading and Profit and Loss Accounts of the .....  
Society, Limited, for the year ended the ..... day of December, 20....., and  
Balance Sheet as at the same date.

(To be sent to the Registrar, Perth, before 1 March in every year, accompanied by  
copies of all Balance Sheets issued during the year.)

**AUDITORS' CERTIFICATE**

I, the undersigned have had access to all the Books and Accounts of the Society  
and have examined the within Trading Account, Profit and Loss Account, Profit  
and Loss Appropriation Account, and Balance Sheet, and in my opinion they are  
properly drawn up to present a true and fair view of the state of the Society's  
affairs and the results of its operations.

Signature of Auditor .....

Calling or Profession .....

Qualifications\* .....

Address .....

\*The Auditor should here state in initial letters the quality of his membership in  
an Institute of Accountants, e.g. A.A.S.A.

A copy of the Auditor's report (if any) must accompany this Return.

**SECRETARY'S CERTIFICATE**

I, the Secretary of the above-named Society, hereby certify: —

- (a) That this Return is in every particular, to the best of my knowledge  
and belief, correct and complete.
- (b) That the auditor who has signed the Return was duly appointed in  
accordance with the rules and is a Public Auditor under the  
*Co-operative and Provident Societies Act 1903*.

(c) That the name in full, occupation, and place or residence of the Officers and Committee of Management are as follows: —

Officer	Name in full (Signatures not required)	Occupation	Place of Residence
Committeeman .....	.....	.....	.....
Do. ....	.....	.....	.....
Do. ....	.....	.....	.....
Do. ....	.....	.....	.....
Do. ....	.....	.....	.....
Do. ....	.....	.....	.....
Do. ....	.....	.....	.....
Do. ....	.....	.....	.....
Do. ....	.....	.....	.....
Do. ....	.....	.....	.....
Do. ....	.....	.....	.....
Do. ....	.....	.....	.....
Manager .....	.....	.....	.....
Secretary .....	.....	.....	.....
Treasurer .....	.....	.....	.....

Signature of Secretary .....

Postal Address of Secretary ..... (SEAL.)

Date ..... 20.....

(Page 2)

**GENERAL PARTICULARS**

\* Date when Society established ..... 20.....  
 Date when registered ..... 20.....  
 Does the Society give credit? ..... If so, to what extent? .....

**MEMBERSHIP AND SHARES**

	Members	Shares
Number at beginning of year .....	.....	.....
Add Admissions during year .....	.....	.....
Total .....	.....	.....
Deduct Departures during year .....	.....	.....
Number at end of year .....	.....	.....

**SHARE CAPITAL**

	\$	c
Paid up Capital at beginning of year .....	.....	.....
Add Amounts received during year .....	.....	.....
Add Dividends or Interest credited to Share Capital during year...	.....	.....
Total .....	.....	.....
Deduct Amounts withdrawn during year .....	.....	.....
* Paid up Capital at end of year .....	.....	.....
Amount outstanding on shares allotted .....	.....	.....

\* This must agree with the Share Capital appearing on the Balance Sheet

**GENERAL INSTRUCTIONS**

1. This Return must be signed by the Auditor appointed under the rules, being a Public Auditor under section 61 of the Act, as well as by the Secretary.
2. This Return is to be sent to the Registrar, Perth, before 1 March in each year, and should be made in duplicate, one copy being retained by the Society for reference, and in order to be able to comply with section 13(1) and (2) of the Act. Section 12(3) requires a copy of each balance sheet issued during the year to accompany the Annual Return.

3. Whatever the rules may provide as to the date of the annual meetings and annual accounts, this Return must be made up for the year ending on the 31st December of the year to which it relates, or some day not more than one month before or after such date.
4. The printed details inserted in the Trading and Profit and Loss Accounts are merely shown as a guide for the Societies and need not be strictly adhered to so long as a Trading Account, Profit and Loss Account, and Profit and Loss Appropriation Account are shown.
5. Productive wages should only include the wages paid in the manufacture or production of the goods for sale, and should not include the wages paid to salesmen and others engaged in the distribution of the produce or in the administration of the Society.

(Page 3)

**TRADING ACCOUNT**

	\$	c		\$	c
To Stock on hand at beginning of year	.....	.....	By Goods sold during year	.....	.....
” Goods purchased during year (including cost of carriage)	.....	.....	” Stock on hand at end of year†	.....	.....
” Productive Wages ( <i>see</i> General Instruction No. 5)	.....	.....	” Other income (specify)	.....	.....
” Other expenditure (specify)	.....	.....	.....	.....	.....
” Gross Profit to Profit and Loss Account	.....	.....	” Gross Loss to Profit and Loss Account	.....	.....
*Total	.....	.....	*Total	.....	.....

\* These totals must agree. † This amount must agree with the value of the Stock-in-Trade in the Balance Sheet.

PROFIT AND LOSS ACCOUNT

	\$	c		\$	c
To Gross Loss from Trading Account	.....	.....	By Gross Profit from Trading Account	.....	.....
” Audit Fees .....	.....	.....	” Other Credits (specify) .....	.....	.....
” Bad Debts written off .....	.....	.....	” Net Loss to Appropriation Account	.....	.....
” Depreciation written off .....	.....	.....	.....	.....	.....
” Discount (other than Trade Discount)	.....	.....	.....	.....	.....
” Donations, etc. ....	.....	.....	.....	.....	.....
” Insurance, Repairs, and General Expenses	.....	.....	.....	.....	.....
” Interest .....	.....	.....	.....	.....	.....
” Printing, Stationery, and Postage	.....	.....	.....	.....	.....
” Rates and Taxes .....	.....	.....	.....	.....	.....
” Rent .....	.....	.....	.....	.....	.....
” Salaries .....	.....	.....	.....	.....	.....
” Wages (not debited in Trading Account)	.....	.....	.....	.....	.....
” Other Debits (specify) .....	.....	.....	.....	.....	.....
” Net Profit to Appropriation Account	.....	.....	.....	.....	.....
*Total .....	.....	.....	*Total .....	.....	.....

\* These totals must agree

PROFIT AND LOSS APPROPRIATION ACCOUNT

	\$	c		\$	c
To Balance of Loss from previous year	.....	.....	By Net Profit from Profit and Loss Account	.....	.....
” Interest to Members, on Shares ...	.....	.....	” Balance of Profit from previous year	.....	.....
” Dividends to Members .....	.....	.....	.....	.....	.....
” Reserve Fund .....	.....	.....	.....	.....	.....
” Net Loss from Profit and Loss Account	.....	.....	.....	.....	.....
” Other Debits (specify) .....	.....	.....	.....	.....	.....
” Balance (if any) .....	.....	.....	.....	.....	.....
*Total .....	.....	.....	*Total .....	.....	.....

\*These totals must agree





**FORM 18**

[Reg. 16]

*Co-operative and Provident Societies Act 1903*

**FORM OF NOMINATION, REVOCATION, AND VARIATION**

The ..... Society, Limited, registered pursuant to  
*Co-operative and Provident Societies Act 1903.*

I .....  
of (*Residence*) .....  
(*Occupation*) .....

a member of the above-named society, being not under 16 years of age, do hereby nominate the following as the only person or persons (none of them being an officer or servant of the society, unless such person is the husband, wife, de facto partner, parent, child, brother, sister, nephew, or niece of me, the nominator) to or among whom shall be transferred my property: —

\* .....  
in the society whether in shares, loans, or deposits, at my decease, in such proportion as is set forth below opposite their respective names: —

Name	Occupation	Address	Proportion
A.B. ....			
C.D. ....			
E.F. ....			

\* Where the nomination is not intended to comprise the whole of the member's property in the society the amount to be comprised in it is to be specified.

Dated this ..... day of ....., 20 .. .

Signature of Witness

.....

Signature of Nominator

.....

**REVOCATION**

I hereby revoke the above nomination.

Dated this ..... day of ....., 20 .. .

Signature of Witness

Signature of Nominator

.....

.....

\_\_\_\_\_

**VARIATION**

I hereby vary the above nomination as follows: —

I nominate G.H. of (Occupation and Address) in lieu of (A.B.), to whom shall be transferred the portion of my property in the society at my decease directed in the above nomination to be transferred in that event to the said (A.B.).

Signature of Witness

Signature of Nominator

.....

.....

\_\_\_\_\_

*[Form 18 amended in Gazette 30 Jun 2003 p. 2599; 11 Jan 2005 p. 93 and 94.]*

FORM 19

[Reg. 17]

Co-operative and Provident Societies Act 1903

REFERENCE OF A DISPUTE TO THE REGISTRAR

Dispute between the \_\_\_\_\_ and ( \_\_\_\_\_ an officer of) the society known as \_\_\_\_\_ Society, Limited.

Register No. ....

The above parties, by consent, refer the dispute between them to the Registrar.

The said \_\_\_\_\_ states as follows: —

- (1) That he is (or has within 6 months been) a member (or claims through a member, or person aggrieved who, within 6 months has been a member, or under the rules) of the said society.
(2) That he claims to be entitled as follows (give particulars of claim).
(3) That the claim is proposed to be supported by the evidence of the following witnesses, and by the production of the following books and documents (give list).

The said \_\_\_\_\_ (or the said \_\_\_\_\_ as an officer of the said society) states as follows: —

- (1) That the society (or he) disputes the claim of the said \_\_\_\_\_ on the following grounds (state grounds).
(2) That the case of the society (or his case) is proposed to be supported by the evidence of the following witnesses and by the production of the following books and documents (give list).

Signature of claimant .....
Address of claimant .....
Seal of Society or signature of the officer .....

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 .

[Form 19 amended in Gazette 11 Jan 2005 p. 93 and 94.]

**FORM 20**

[Reg. 18]

*Co-operative and Provident Societies Act 1903*

**NOTICE AND REQUISITION BY REGISTRAR IN A DISPUTE**

Dispute between                                  and (                                  an officer of) the society  
known as                                  Society, Limited.

Register No. ....

To .....

Take notice that I shall proceed to hear and determine the matter in dispute,  
which has been referred to me pursuant to the above-named Act, on  
the                  day of                  next, at                  o'clock in the                  noon,  
at                  , and that I shall require the attendance there of all parties  
concerned, and of the witnesses named, and the production of the books and  
documents specified in the statement made by you in the reference of the dispute.

.....  
Registrar

Dated this                  day of                  , 20     .

*[Form 20 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 21**

[Reg. 19]

*Co-operative and Provident Societies Act 1903*

**SPECIAL REQUISITION TO WITNESS**

Dispute between \_\_\_\_\_ and ( \_\_\_\_\_ an officer of) the society known as \_\_\_\_\_ Society, Limited.

Register No. ....

To .....

Pursuant to section 35 of the above-named Act, you are required to attend at \_\_\_\_\_, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ next, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, to give evidence relating to the matter in question, and to produce the following books and documents (*state them*).

.....  
Registrar

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 .

N.B. — If you do not comply with this requisition you will be guilty of an offence under the above-named Act, and become liable to a penalty

*[Form 21 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 22**

[Reg. 20]

*Co-operative and Provident Societies Act 1903*

**ORDER FOR DISCOVERY**

In the matter of a dispute between \_\_\_\_\_ and ( \_\_\_\_\_ an officer of)  
the society known as \_\_\_\_\_ Society, Limited.

Register No. .... referred to me pursuant to the above-named  
Act.

I, \_\_\_\_\_, Registrar, order and direct as follows: —

- (1) That within 14 days from the service of this order \_\_\_\_\_ do  
deposit at my office (*state where*), for inspection by the parties, the  
following documents (*state documents*).
- (2) That on the \_\_\_\_\_ day of \_\_\_\_\_ next, at \_\_\_\_\_ o'clock  
in the \_\_\_\_\_ noon \_\_\_\_\_ (an officer of the society\*) do appear  
before me, at my office above-named, and make discovery upon oath  
of all things within his knowledge (as such officer\*) relative to the  
following matters (*state the matters as to which discovery is granted*).

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20 .

.....  
Registrar

---

\* These words will be omitted if the discovery is to be made by the other party to the dispute.

[Form 22 amended in Gazette 11 Jan 2005 p. 93 and 94.]

**FORM 23**

[Reg. 21]

*Co-operative and Provident Societies Act 1903*

**DETERMINATION AND ORDER**

In the matter of a dispute between \_\_\_\_\_ and ( \_\_\_\_\_ officer of)  
the society known as \_\_\_\_\_ Society, Limited.

Register No. .... referred to me pursuant to the above-named  
Act.

I, \_\_\_\_\_ Registrar, determine as follows (*insert particulars of  
Registrar's determination*).

The expenses hereof are ordered to be paid out of the funds of the society (*or as  
the case may be*).

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20 .

.....  
Registrar

N.B. — Application for the enforcement of this order may be made to the Local  
Court of the district wherein the registered office of the society is situated.

*[Form 23 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 24**

[Reg. 22]

*Co-operative and Provident Societies Act 1903*

**APPLICATION TO REGISTRAR FOR INSPECTORS OR SPECIAL MEETING**

Name of Society ..... Society, Limited.

Register No. ....

*Application made to Registrar pursuant to Section 38 of the above-named Act*

1. The above-named Society has            members.
2. This application is signed by one-tenth of the whole number of members (*or* by 100 members, *if the whole number exceeds 1,000*).
3. The application is that the Registrar may appoint an inspector *or* inspectors (*or* may call a special meeting) pursuant to the said section.
4. The grounds of the application are as follow (*state the grounds fully*).
5. The applicants are prepared to support the application by the following evidence, for the purpose of showing that they have good reason for making the application, and are not actuated by malicious motives in doing so, viz., by a statutory declaration annexed hereto by            (*state names*), 3 of the present applicants, and (*here state the nature of the evidence proposed to be given*).
6. The applicants are prepared, if required, to give security for costs to the extent of (*state amount*).
7. With this application is sent the fee prescribed in regulation 41.

Signatures of applicants. \*

Address to which communications are to be sent.

Dated this            day of            , 20    .

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\* Signature by mark must be attested by some one not an applicant.

*[Form 24 amended in Gazette 11 Jan 2005 p. 93 and 94.]*



**FORM 25**

[Reg. 22]

*Co-operative and Provident Societies Act 1903*

**DECLARATION IN SUPPORT OF APPLICATION IN FORM 24**

Name of Society ..... Society, Limited.

Register No. ....

We, \_\_\_\_\_, 3 of the members of the above-named society, do solemnly and sincerely declare that the persons whose signatures are appended to the application, a copy of which is hereunto annexed, are to the best of our knowledge and belief bona fide members of the society, and that we are not, nor to the best of our knowledge and belief is any person whose signature is appended to such application, actuated by malicious motives, and that to the best of our knowledge and belief there is good reason for making such application.

And we make, etc.

*[Form 25 amended in Gazette 11 Jan 2005 p. 93.]*

**FORM 26**

[Reg. 24]

*Co-operative and Provident Societies Act 1903*

**APPOINTMENT OF AN INSPECTOR OR INSPECTORS**

Name of Society ..... Society, Limited.

Register No. ....

Pursuant to section 38 of the above-named Act, I hereby appoint  
and                                    inspector (*or* inspectors) to examine into the affairs of  
the above-named society and to report thereon.

One copy of the application for inspection is sent herewith for the guidance of the  
inspector (*or* inspectors).

He (*or* they) may require the production of all or any of the books, accounts,  
securities, and documents of the society, and may examine on oath its officers,  
members, agents, and servants in relation to its business, and may administer such  
oath accordingly.

This inspection is to commence on                    , the                    day of  
next, at            o'clock in the            noon, and is to be held at                    .

.....  
Registrar

Dated this                    day of                    , 20                    .

*[Form 26 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 27**

[Reg. 25]

*Co-operative and Provident Societies Act 1903*

**NOTICE OF A SPECIAL MEETING CALLED BY REGISTRAR**

Name of Society ..... Society, Limited.

Register No. ....

Notice is hereby given that a special meeting of the above-named society will be held by direction of the Registrar, pursuant to section 38 of the above-named Act, on           , the            day of            next, at    o'clock, in the noon, at           , which meeting shall appoint its own chairman, and shall then proceed to discuss and determine on the following matters (*state them*).

.....  
Registrar

Dated this            day of           , 20   .

*[Form 27 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 28**

[Reg. 26]

*Co-operative and Provident Societies Act 1903*

**REPORT OF CHAIRMAN OF SPECIAL MEETING**

Address .....

Date .....

To the Registrar.

I have to report that at the special meeting of the                      Society, Limited,  
held by your direction at                      on the                      day of                      , 20                      , the  
following resolution was (*or resolutions were*) passed (*state resolution or  
resolutions, and any other matters which the writer may think proper to report*).

Signature .....

Chairman of special meeting

*[Form 28 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 29**

[Reg. 27]

*Co-operative and Provident Societies Act 1903*

**APPLICATION FOR APPROVAL OF CHANGE OF NAME, AND  
REGISTRY OF SPECIAL RESOLUTION**

Name already registered ..... Society, Limited.

Register No. ....

*To the Registrar*

Application for approval of a change of name of the above-mentioned society, and for registry of a special resolution to that effect, is made by the society whose seal and the 3 persons whose names are affixed and subscribed at the foot hereof.

The following is a copy of a special resolution passed by the votes of three-fourths of the members present and entitled to vote at a general meeting of the society (*add, some being present by proxy, where the rules allow proxies*), of which notice was duly given, held on the            day of            20    , and confirmed by a majority of the members present and entitled to vote at a subsequent general meeting (*add, some being present by proxy, where the rules allow proxies*), of which notice was duly given, held on the            day of            , 20    , pursuant to section 39 of the above-named Act.

*(The resolution to be copied at length.)*

With this application is sent the fee prescribed in regulation 41.

..... Chairman of the first general meeting.

..... Chairman of the subsequent general meeting.

Countersigned ..... Secretary.

Dated this            day of            , 20    .

[Seal of Society.]

*[Form 29 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 30**

[Regs. 27, 28, 29, 30, 31]

*Co-operative and Provident Societies Act 1903*

**DECLARATION OF CHAIRMAN OF GENERAL MEETING TO  
ACCOMPANY APPLICATION FOR REGISTRY OF SPECIAL  
RESOLUTION**

Name of Society ..... Society, Limited.

Register No. ....

I,                      of                      , do solemnly and sincerely declare that I was  
the chairman of a general meeting of the above-named society held at  
on the                      day of                      , 20                      , at the hour of                      in the  
                    noon, at which meeting the resolution, application for registry of which is  
appended to this declaration, was carried (*or confirmed*) by a  
majority (*or unanimously*).

And I make, etc.

*[Form 30 amended in Gazette 11 Jan 2005 p. 93.]*

FORM 31

[Reg. 28]

Co-operative and Provident Societies Act 1903

APPLICATION FOR REGISTRY OF A SPECIAL RESOLUTION FOR AMALGAMATION OF SOCIETIES

Name of Society \* ..... Society, Limited.

Register No. ....

Name of Society ..... Society, Limited.

Register No. ....

(And so on, if more than 2)

To the Registrar

Application for registry of a special resolution for the amalgamation of the above-named societies is made by the society whose seal and the 3 persons whose names are affixed and subscribed at the foot hereof.

- 1. The following is a copy of a special resolution passed by the vote of three-fourths of the members present and entitled to vote at a general meeting of the first-named society (add, some being present by proxy, where the rules allow proxies), of which notice was duly given, held on the day of , 20 , and confirmed by a majority of the members present and entitled to vote at a subsequent general meeting (add, some being present by proxy, where the rules allow proxies), of which notice was duly given, held on the day of , 20 , pursuant to section 39 of the above-named Act: —

(The resolution to be copied at length)

- 2. With this application is sent the fee prescribed in regulation 41.

....., Chairman of the first general meeting.

....., Chairman of the subsequent general meeting.

Countersigned ....., Secretary of the first-named society.

[Seal of first-named Society.]

Dated this day of , 20 .

\* In the copies of this application by each society, its own name should appear first.

[Form 31 amended in Gazette 11 Jan 2005 p. 93 and 94.]

**FORM 32**

[Reg 29]

*Co-operative and Provident Societies Act 1903*

**APPLICATION FOR REGISTRY OF SPECIAL RESOLUTION  
FOR TRANSFER OF ENGAGEMENTS**

Name of society transferring its engagements ..... Society, Limited.

Register No. ....

Name of society undertaking to fulfil transferred engagements .....  
Society, Limited.

Register No. ....

*To the Registrar*

Application for registry of a special resolution for transfer of engagements of the first-named society is made by the ..... societies whose seals and the 3 persons whose names are affixed and subscribed at the foot hereof.

1. The following is a copy of a special resolution passed by the votes of the three-fourths of the members present and entitled to vote at a general meeting of the first-named society (*add, some being present by proxy, where the rules allow proxies*), of which notice was duly given, held at ..... on the ..... day of ....., 20 ....., and confirmed by a majority of the members present and entitled to vote at a subsequent general meeting (*add, some being present by proxy, where the rules allow proxies*), of which notice was duly given, held at ..... on the ..... day of ..... 20 .....

*(The resolution to be copied at length)*

2. The last-named society has (*state in what manner*) undertaken to fulfil the engagements of the first-named society, as testified by the common seal and by the signature of the Secretary of the last-named society, to this application and by the declaration of an officer of the same sent with this application.
3. With this application is sent the fee prescribed in regulation 41.

....., Chairman of first general meeting.

....., Chairman of second general meeting.



Countersigned ....., Secretary of first-named society.

Countersigned ....., Secretary of last-named society.

[Seal of first-named Society.]

[Seal of last-named Society.]

Dated this                      day of                      , 20   .

*[Form 32 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 33**

[Reg. 29]

*Co-operative and Provident Societies Act 1903*

**DECLARATION BY OFFICER OF SOCIETY ACCEPTING TRANSFER  
OF ENGAGEMENTS**

Name of Society ..... Society, Limited.

Register No. ....

I,                      of                      , an officer of the above-named society,  
do solemnly and sincerely declare that by a resolution of a meeting of the society  
held on the                      day of                      , 20                      , at                      (*or, as the case  
may be, stating by what authority the transfer is accepted*) the society has  
undertaken to fulfil all the engagements of the society known as  
Society, Limited.

And I make, etc.

*[Form 33 amended in Gazette 11 Jan 2005 p. 93.]*

**FORM 34**

[Reg. 30]

*Co-operative and Provident Societies Act 1903*

**APPLICATION FOR REGISTRY OF SPECIAL RESOLUTION FOR  
CONVERSION INTO OR AMALGAMATION WITH OR TRANSFER OF  
ENGAGEMENTS TO A COMPANY**

Name of Society ..... Society, Limited.

Register No. ....

*To the Registrar*

Application for registry of a special resolution for conversion of the above-named society into a company (*or* for amalgamation of the above-named society with a company, *or* for transfer of all the engagements of the above-named society to a company) is made by the society whose seal and the 3 persons whose names are affixed and subscribed at the foot hereof.

The following is a copy of a special resolution passed by the votes of three-fourths of the members present and entitled to vote at a general meeting of the said society (*add, some being present by proxy, where the rules allow proxies*), of which notice was duly given, held on the            day of            , 20    , and confirmed by a majority of members present and entitled to vote at a subsequent general meeting (*add, some being present by proxy, where the rules allow proxies*), of which notice was duly given, held on the            day of            , 20    , pursuant to section 39 of the above-named Act.

*(The resolution to be copied at length)*

With this application is sent the fee prescribed in regulation 41.

....., Chairman of the first general meeting.

....., Chairman of the subsequent general meeting.

Countersigned....., Secretary of society.

[Seal of Society.]

Dated this            day of            , 20    .

*[Form 34 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 35**

[Reg. 30]

*Co-operative and Provident Societies Act 1903*

**DECLARATION BY SECRETARY, ETC., OF COMPANY AGREEING  
TO AMALGAMATION**

Name of Company .....

I,                      of                      , Secretary, Manager, or Principal Executive Officer for Western Australia of the above-named company, do solemnly and sincerely declare that by a resolution of a special general meeting of the company held on the                      day of                      , 20                      , at                      (*or as the case may be, stating by what authority the amalgamation is agreed to*) the company has agreed to an amalgamation with the society known as                      Society, Limited.

And I make, etc.

*[Form 35 amended in Gazette 11 Jan 2005 p. 93.]*

**FORM 36**

[Reg. 30]

*Co-operative and Provident Societies Act 1903*

**DECLARATION BY SECRETARY, ETC., OF COMPANY AGREEING  
TO TRANSFER OF ENGAGEMENTS**

Name of Company .....

I,                      of                      , Secretary, Manager, or Principal Executive Officer for Western Australia of the above-named company, do solemnly and sincerely declare that by a resolution of a special general meeting of the company held on the                      day of                      , 20                      , at  
*(or as the case may be, stating by what authority the transfer of engagements is accepted)* the company has agreed to undertake to fulfil all the engagements of the society known as                      Society, Limited.

And I make, etc.

*[Form 36 amended in Gazette 11 Jan 2005 p. 93.]*

**FORM 37**

[Reg. 31]

*Co-operative and Provident Societies Act 1903*

**APPLICATION FOR CONVERSION OF COMPANY INTO A  
REGISTERED SOCIETY**

Name of Company .....

*To the Registrar*

1. Application for the conversion of the above-named company into a registered society under the name of \_\_\_\_\_ Society, Limited, and for registry of a special resolution to that effect, is made by the company whose seal and the chairman of the meeting and secretary, manager or principal executive officer for Western Australia whose names are affixed and subscribed at the foot hereof.
2. The following is a copy of a resolution passed by a special general meeting of the company, held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, whereby the company agreed to make application for the said conversion.

*(The resolution to be copied at length)*

3. With this application is sent an application for registry under the above-named Act, in accordance with regulation 3.

.....  
Chairman of the Meeting

Countersigned..... { Secretary,  
Manager,  
or Principal Executive Officer for W.A.

[Seal of Company.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

*[Form 37 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 38**

[Reg. 34]

*Co-operative and Provident Societies Act 1903*

**INSTRUMENT OF DISSOLUTION**

Name of Society ..... Society, Limited.

Register No. ....

Instrument of dissolution of the above-named society made the      day of      ,  
20      , pursuant to the above-named Act, and signed by three-fourths in numbers  
of the members.

It is agreed and declared as follows: —

- (1) The liabilities and assets of the society are the following: — (*Here set them out in detail*).
- (2) The number of members is      , and the nature of their interests in the society is as follows: —
- (3) The society has no creditors other than such members (*or if there be any, state the amount claimed by them and the provision made for their payment*).
- (4) The funds and property of the society shall be appropriated and divided in the following manner (*or in such manner as the Registrar may award; if left to the award of Registrar, add the fee prescribed in regulation 41 is sent herewith*): —

*(Here insert any other provision the society desires to insert as to the dissolution.)*

(Signatures of members.)

..... Witness to signatures.

**SCHEDULE**

(List of members who have not signed the foregoing instrument.)

N.B. — All signatures by mark only must be attested by a witness who does not sign as a member.

*[Form 38 amended in Gazette 11 Jan 2005 p. 93.]*

**FORM 39**

[Reg. 34]

*Co-operative and Provident Societies Act 1903*

**DECLARATION TO ACCOMPANY INSTRUMENT OF DISSOLUTION**

Name of Society ..... Society, Limited.

Register No. ....

We,                    of                    ,                    of                    ,                    of                    ,  
and                    of                    , 3 members and the secretary, respectively,  
of the above-named society, do solemnly and sincerely declare that in making the  
instrument of dissolution (or the alteration of the instrument of dissolution)  
appended to this declaration the provisions of the above-named Act have been  
complied with.

And we make, etc.

*[Form 39 amended in Gazette 11 Jan 2005 p. 93.]*



**FORM 40**

[Reg. 34]

*Co-operative and Provident Societies Act 1903*

**STATEMENT TO ACCOMPANY INSTRUMENT OF DISSOLUTION**

Name of Society ..... Society, Limited.

Register No. ....

- 1. The Registrar is hereby informed that the notice of dissolution of the above-named society may be published in the (naming some newspaper), circulating in the locality in which the registered office of the society is situated.
- 2. The sum of , being the cost of publishing such notice in the said newspaper, and the further sum of , being the cost of publishing the same in the *Government Gazette*, are herewith transmitted to the Registrar.

.....  
Secretary of Society

Dated this          day of                                  20          .

*[Form 40 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 41**

[Reg. 35]

*Co-operative and Provident Societies Act 1903*

**ACKNOWLEDGMENT OF REGISTRY OF INSTRUMENT OF  
DISSOLUTION**

Name of Society ..... Society, Limited.

Register No. ....

The foregoing (or attached) instrument of dissolution (or alteration of instrument of dissolution) of the above-named society is registered under *Co-operative and Provident Societies Act 1903*.

Given under my hand this                  day of                                  , 20   .

.....  
Registrar

*[Form 41 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 42**

[Reg. 37]

*Co-operative and Provident Societies Act 1903*

**ADVERTISEMENT OF DISSOLUTION BY INSTRUMENT**

Notice is hereby given that the society known as                      Society, Limited, held at                      , is dissolved by instrument, registered at this office the day of                      , 20                      , unless within 3 months from the date of the *Government Gazette* in which this advertisement appears proceedings be commenced by some member or other person interested in or having any claim on the funds of the society, to set aside such dissolution and the same be set aside accordingly.

.....  
Registrar

Dated this                      day of                      , 20                      .

*[Form 42 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**FORM 43**

[Reg. 38]

*Co-operative and Provident Societies Act 1903*

**NOTICE OF PROCEEDING TO SET ASIDE DISSOLUTION**

Name of Society ..... Society, Limited.

Register No. ....

*To the Registrar*

Whereas on the        day of        , 20    , the above-named Society was dissolved or purported to be dissolved by an instrument of dissolution purporting to be duly registered:

I hereby give you notice that I intend, after not less than 7 days from this date hereof, to take proceedings for setting aside such dissolution in the Court.

Dated this        day of        , 20    .

.....Signature.

.....Address.

*[Form 43 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

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**FORM 44**

[Reg. 38]

*Co-operative and Provident Societies Act 1903*

**NOTICE OF ORDER TO SET ASIDE DISSOLUTION**

Name of Society ..... Society, Limited.

Register No. ....

*To the Registrar*

Whereas on the        day of        , 20    , the above-named Society was dissolved or purported to be dissolved by an instrument of dissolution purporting to be duly registered:

The above-named Society hereby gives you notice that by an order of the        Court, dated the        day of        , 20    , a copy whereof is hereto annexed, the dissolution of the said society was set aside.

[Seal of Society.]

Countersigned ..... Secretary.

Dated this        day of        , 20    .

N.B. — This notice must be sent within 7 days after the order to set aside dissolution is made, and a copy of the order must be annexed thereto.

*[Form 44 amended in Gazette 11 Jan 2005 p. 93 and 94.]*

**Notes**

<sup>1</sup> This reprint is a compilation as at 2 December 2005 of the *Co-operative and Provident Societies Regulations 1904* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
Untitled regulations <sup>3</sup>	19 Jan 1904 p. 161-87	19 Jan 1904
Untitled regulations	25 Jul 1919 p. 1360-1	25 Jul 1919
Untitled regulations	19 Nov 1948 p. 2761	19 Nov 1948
<i>Decimal Currency Act 1965</i> assented to	21 Dec 1965	Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2))
Untitled regulations	22 Oct 1970 p. 3236	22 Oct 1970
<i>Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 9</i>	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
<i>Co-operative and Provident Societies Act Amendment Regulations 2004</i>	30 Dec 2004 p. 6913	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Co-operative and Provident Societies Amendment Regulations 2005</i>	11 Jan 2005 p. 91-5	11 Jan 2005
<b>Reprint 1: The <i>Co-operative and Provident Societies Regulations 1904</i> as at 2 Dec 2005</b> (includes amendments listed above)		

<sup>2</sup> Repealed by the *Evidence Act 1906* First Schedule.

<sup>3</sup> Now known as the *Co-operative and Provident Societies Regulations 1904*; citation changed (see note under r. 1).