

- Repealed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.

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.

*Repealed by
Law 25/1939*

- (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 with regard to the business of the society.
- (e.) "Registrar" means a person appointed to perform the duties of Registrar of Co-operative Societies under this Law.
- (f.) "Society" means a co-operative society registered under this Law.
- (g.) "Rules" means rules made under this Law.

*Repealed
by Law
25/1939.*

Registration.

4. The High Commissioner may appoint a person to be Registrar of 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. Registrar.

5. Any society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles shall register under this Law before commencing business with or without limited liability: Provided that any such society now in existence shall register under this Law within a period of six months from the date of the coming into operation of this Law. Such societies shall include:— Societies to be registered

- (a.) Savings Banks.
- (b.) Co-operative Societies for the purchase of raw materials for agricultural and industrial purposes.
- (c.) Societies for producers for the sale of their produce.
- (d.) Co-operative Stores for the purchase and sale of commodities.
- (e.) Societies for the acquisition and use in common of machinery and other implements of production.
- (f.) Co-operative Building Societies for the purpose of building houses.
- (g.) Any other society which the High Commissioner in Council shall authorize to be registered under the provisions of this Law.

6. A society may register with limited or unlimited liability. Liability.

7. No society shall be registered under this Law which does not consist of at least ten persons above the age of eighteen years. Conditions of registration.

Restriction
on interest of
member.

8. When the liability of the members of a society is limited by shares no member shall:—

(a.) hold more than such portion of the share capital of the society, subject to a maximum of one-fifth, as may be prescribed by the rules; or

(b.) have or claim any interest in the shares of the society exceeding two hundred pounds sterling.

“Co-operative” and
“Limited”
in title of
society.

9. The word “Co-operative” shall form part of the name of every society, and every society of which the liability of members is limited shall have the word “Limited” as the last word of its name.

Application
for registra-
tion.

10. For purposes of registration an application to register shall be made to the Registrar. Such application shall be signed by at least ten persons qualified in accordance with section 7 hereof. The application shall be accompanied by two copies of the proposed bye-laws of the society.

Registration.

11. If the Registrar is satisfied that a society has complied with the provisions of this Law and the rules and that the bye-laws as settled are not contrary to the Law or to the rules, he shall, with the approval of the High Commissioner register the society and its bye-laws, and a notice to the effect that such society and its bye-laws have been registered under this Law shall forthwith be published in the *Cyprus Gazette*.

Evidence of
registration.

12. 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.

Amendment
of bye-laws.

13.—(1.) No amendment of the bye-laws of a 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.

Annual
report.

14. 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 societies on the 31st December last preceding.

Rights and Liabilities of Members.

15. No member of a society shall exercise the right of a member unless or until he has made such payment to the society in respect of membership or acquirement of such interest in the society as may be prescribed by the rules or bye-laws. Member not to exercise his rights till due payment made.

16.—(1.) When the liability of the members of a society is unlimited, each member shall notwithstanding the amount of his interest in the capital have one vote only as a Member in the affairs of the society. Votes of members.

(2.) When the liability of the members of a society is limited by shares, each member shall have as many votes as may be prescribed by the bye-laws.

17.—(1.) The transfer or charge of the share or interest of a member in the capital of a society shall be subject to such conditions as to maximum holding as may be prescribed by this Law or the rules. Restrictions on transfer of share or interest.

(2.) In case of a society registered with unlimited liability a member shall not transfer any share held by him or his interest in the capital of the society or any part thereof unless:—

- (a.) he has held such share or interest for not less than one year, and
- (b.) the transfer or charge is made to the society or to a member of the society.

Duties of Societies.

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

19. Every society shall keep a copy of this Law and of the rules governing such society and of its bye-laws and the list of its members 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. Copy of Law, &c., to be open to inspection

20.—(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 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.

Registrar to have access to books, accounts, &c.

21. 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.

Privileges of Societies.

Societies to be bodies corporate.

22. 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.

Prior claim of society.

23.—(1.) Subject to the 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 :

(a.) in respect of the supply 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.

(b.) in respect of the supply of cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture—upon any such thing so supplied or on any articles manufactured from raw materials so supplied.

(2.) All moneys payable by a member to a society under this Law or the rules or the bye-laws of such society shall be a debt due from such member to the society and shall be recoverable as such by action in the District Court of the District where the society has its office or at the option of the society in the District Court of the District where the member is resident.

Charge and set off.

24. A society shall have a charge upon the share or interest in the capital or on the deposits of a member or past member and upon any dividend, bonus or profits payable to a member or past member in respect of any debt due from such member or past member to the society and may set off any sum credited or payable to a member or past member in or towards payment of any such debt.

Shares or interest not liable to attachment.

25. Subject to the provisions of section 24 the share or interest of a member in the capital of a society shall not be liable to attachment or sale under any decision or order of a Court of Justice in respect of any debt or liability incurred by such member.

26.—(1.) On the death of a member a society may transfer the share or interest of the deceased member to the person nominated in accordance with the rules made in this behalf or, if there is no person so nominated, to such person as may appear to the committee to be the heir or legal representative of the deceased member, or pay to such nominee, heir or legal representative, as the case may be, a sum representing the value of such member's share or interest as ascertained in accordance with the rules or bye-laws: Provided that:—

Transfer of interest on death of member.

(i.) in the case of a society with unlimited liability, such nominee, heir or legal representative, as the case may be, may require payment by the society of the value of the share or interest of the deceased member ascertained as aforesaid;

(ii.) in the case of a society with limited liability, the society shall transfer the share or interest of the deceased member to such nominee, heir or legal representative, as the case may be, being qualified in accordance with the rules and bye-laws for membership of the society, or on his application within one month of the death of the deceased member to any person specified in the application who is so qualified.

(2.) A society may pay off other moneys due to the deceased member from the society to such nominee, heir or legal representative as the case may be.

(3.) All transfers and payments made by a society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.

27. 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 past member.

28. 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 society as they existed at the time of his decease.

Liability of the estates of deceased members.

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

Register of members.

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

(b.) the date on which such person ceased to be a member.

30. 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

Proof of entries in societies' books.

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 fees.

31. 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.

32. A society shall not make a loan to any person other than a member: Provided that, with the special sanction of the Registrar, a society may make loans to another society and may in any event invest or deposit its funds or any part thereof in the Government Savings Bank or in such other manner as may be approved for this purpose by the Registrar.

Borrowing powers of society.

33. 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 Loan Commissioners if they think fit, may grant such loans accordingly. All applications made by the 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.

Restrictions on borrowing.

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

Restrictions on other transactions.

35. The transactions of a society with persons other than members shall be subject to such prohibition and restrictions, if any, as the High Commissioner may, by rules, prescribe.

Funds not to be divided by way of profit.

36. No part of the funds of a society shall be divided by way of bonus or dividend or otherwise amongst its members:—

Provided that after at least one-fourth of the net profits in any year have been carried to a reserve fund, payments from the remainder of such profits and from the profits of past years available for distribution may be made among the members to such extent and under such conditions as may be prescribed by the rules or bye-laws;

Provided also that in the case of a society with unlimited liability no distribution of profits shall be made without the general or special order of the High Commissioner in Council in this behalf,

37. Any society may, with the sanction of the Registrar, after one-fourth of the net profits in any year has been carried to a reserve fund, contribute an amount not exceeding ten per cent. of the remaining net profits to any charitable purpose or purpose of public utility.

Contribution to charitable purposes by society.

Inspection of Affairs.

38.—(1.) The Registrar may of his own motion, or on the application of a majority of the Committee or of not less than one-third of the members hold an enquiry or direct some person authorized by him by order in writing in this behalf to hold an enquiry into the constitution, working and financial condition of a society, and shall communicate the result of such enquiry to the person, if any, desiring him to hold such enquiry and to the committee.

Enquiry by Registrar.

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

39.—(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:—

Inspection of books of indebted society.

(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 that

(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.

40. When an enquiry is held under section 38 or an inspection is made under section 39, 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 enquiry or inspection and the officers or former officers of the society who were responsible.

Costs of enquiry.

41. Any sum awarded by way of costs under section 40 may be recovered on application to the proper District Court.

Recovery of costs.

Dissolution.

42.—(1.) If the Registrar, after an enquiry has been held under section 38 or after an inspection has been made under section 39 or on receipt of an application made by three-fourths of the members of a society, is of opinion that the society ought to be dissolved, he may cancel the registration of the society.

Dissolution.

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

(3.) When 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.) When 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.

Cancellation
of registra-
tion of
society.

43. 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 ten. Provided that if the number shall be reduced below ten by the death of a member, a period of two months may be allowed by the Registrar for the election of a new member.

Effect of
cancellation
of registra-
tion.

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

(a.) in the case of cancellation in accordance with the provisions of section 42, from the date the order of cancellation takes effect;

(b.) in the case of cancellation in accordance with the provisions of section 43, from the date of the order.

Winding up.
Liquidator.

45.—(1.) When the registration of a society is cancelled under section 42 or section 43, the Registrar may appoint a competent person to be liquidator of the society and may remove him.

(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.

(3.) When 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 a decision under subsection 2 (c), (d) and (e). Appeal.

46. 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 powers 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. Further powers of liquidator.

47. Orders made under section 45 shall on application be enforced as follows:— Enforcement of orders.

(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.

48. 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. Jurisdiction of Civil Court.

Rules.

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

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

(a.) Subject to the provisions of section 8, prescribe the maximum number of shares or portion of the capital of a society which may be held by a member;

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

(c.) 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;

- (d.) 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 and the interests to be acquired before the exercise of the right of membership;
- (e.) Regulate the manner in which funds may be raised;
- (f.) Provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings;
- (g.) Provide for the appointment, suspension and removal of the members of the committee and other officers, and for the procedure at meetings of the committee, and for the powers to be exercised and the duties to be performed by the committee and other officers;
- (h.) 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;
- (i.) 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;
- (j.) Provide for the persons by whom and the form in which copies of entries in books of societies may be certified;
- (k.) Provide for the formation and maintenance of a register of members and, where the liability of the members is limited by shares, of a register of shares;
- (l.) 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;
- (m.) Provide for the withdrawal and expulsion of members and for the payments, if any, to be made to members who withdraw or are expelled and for the liabilities of past members;
- (n.) Provide for the mode in which the value of a deceased member's interest shall be ascertained, and for the nomination of a person to whom such interest may be paid or transferred;

- (o.) 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;
- (p.) Prescribe the payments to be made and 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;
- (q.) 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;
- (r.) Prescribe the extent to which a society may limit the number of its members;
- (s.) Prescribe the conditions under which profits may be distributed to the members of a society with unlimited liability and the maximum rate of dividend which may be paid by societies;
- (t.) Subject to the provisions of section 42, 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
- (u.) Prescribe the procedure to be followed by a liquidator appointed under section 45, and the cases in which an appeal shall lie from the order of such liquidator.

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

Miscellaneous.

50.—(1.) 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 40, may be recovered in the same manner as arrears of revenue. Recovery of sums due to Government.

(2.) Sums due from a society to Government and recoverable under sub-section (1.) may be recovered, firstly, from the property of the society; secondly, in the case of a society of which the liability of the members is limited, from the members or, if they are deceased, from their estates subject to the limit of their liability; and, thirdly, in the case of other societies, from the members, or if they are deceased, from their estates.

Prohibition
of the use of
the word
"Co-opera-
tive."

51.—(1.) No person or body other than a society shall trade or carry on business under any name or title of which the word "Co-operative" is part without the sanction of the High Commissioner in Council.

Provided that nothing in this section shall apply to the use by any person or his successor in interest or body of any name or title under which he or they traded or carried on business at the date on which this Law comes into operation.

(2.) Any person or body contravening the provisions of this section shall be punishable with fine not exceeding fifty pounds and in the case of a continuing offence with further fine of five pounds for each day on which the offence is continued after conviction therefor.

52. The provisions of the Companies (Limited Liability) Law, 1922, shall not apply to societies.

COPYRIGHT.

10 OF 1919.

TO AMEND THE LAW OF COPYRIGHT.

MALCOLM STEVENSON.]

[April 25, 1919.

Short title.

1. This Law may be cited as the Copyright Law, 1919.

Application
of the
Copyright
Act, 1911.

2. For the purpose of the application of section fourteen of the (Imperial) Copyright Act, 1911, to the importation into Cyprus of works made out of Cyprus:—

(1.) The Chief Collector of Customs shall perform the duties and may exercise the powers thereby imposed on or given to the Commissioners of Customs and Excise of the United Kingdom;

(2.) Regulations made by the Chief Collector of Customs under that section shall require the approval of the High Commissioner in Council;

(3.) Regulations made under that section may provide that notices given to the Commissioners of Customs and Excise of the United Kingdom, if communicated by them to the Chief Collector of Customs shall be deemed to have been given by the owner of the