

“(2) A co-operative society shall not redeem qualifying and equity shares, provided that the value of the qualifying and equity shares owned by the members shall not fall below the equivalent of ten percent of the asset worth of the cooperative society.

(3) The Supervisor shall grant such period of time, not exceeding five years from the commencement of this Act, as the Supervisor considers reasonable to enable an existing co-operative Society to make good any deficiency in the adequacy of its capital base.”

12. Amendment of section 121 – Loan by credit union

The principal Act is amended in section 121 —

(a) by repealing sub-sections (5) and (6) and substituting the following —

(5) A loan shall not be made to a director, committee member or employee referred to in sub-section (3) if, when combined with all other outstanding loans to persons referred to in sub-section (3), including the persons’ business interest it exceeds twenty-five percent of the aggregate of the equity shares and the institutional capital of the credit union.

(6) Unless with the prior approval of the Supervisor, a loan shall not be made by a credit union to a member or a group of related members if the loan would cause the aggregate amount of loans to the member, the member’s business interest and the group of related members to exceed ten percent of the share capital”.

13. Amendment of section 124 – Receipt of deposits from minors

The principal Act is amended in section 124 by deleting the word “minority” in sub-section (4) and substituting the words “a minor”.

Passed the House of Representatives
on the 28th August, 2013.

Passed the Senate on the 11th September,
2013.

D. Gisele Isaac-Arrindell,
Speaker.

Hazlyn M. Francis,
President.

Romona Small,
Clerk to the House of Representatives.

Romona Small,
Clerk to the Senate.



THE CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 2013

No. 12 of 2013

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society as a direct or indirect result of a contravention of this section.”

9. Repeal and replacement of Section 91 – Notice of change of Directors

Section 91 of the principal Act is repealed and replaced by the following—

“(1) Within twenty one days of the receipt of the list of nominees of the proposed directors or committee members in accordance with section 72(1) (d), the Supervisor shall conduct an investigation on the proposed nominees to determine whether each nominee is qualified in accordance with the criteria set out in section 53(4) to hold the office of a director or member of a committee.

(2) At the completion of the investigation, the Supervisor shall notify the cooperative society of the nominees who are qualified and those who are disqualified, and in the case of a disqualified nominee, give reasons for the disqualification.

(3) Where after an annual general meeting for the election of directors and committee members, a vacancy occurs in the membership of the directors or committee, the cooperative society shall within 14 days of the occurrence of the vacancy, notify the Supervisor of the nominees appointed to fill the vacancy for the purpose of conducting an investigation to determine whether such nominee is qualified on the basis of the criteria set out in section 53(4) or not.

(4) The Supervisor shall, within seven (7) days of the receipt of the nominations, inform the cooperative society of the nominees who are disqualified in terms of section 53(4) and give reasons for the disqualification.

(5) The Supervisor shall, on receipt of the successful nomination to fill the vacancy, register the successful nominee as director or committee member.

(6) Notwithstanding subsection (1), where a cooperative society sends an annual return in accordance with section 147 within thirty (30) days after a change is made in its directors, the cooperative society is not required to send the notice required by this section.

10. Amendment of section 96 – Shares

The principal Act is amended in section 96 by repealing sub-section (3) and substituting the following —

“(3) A share in a co-operative society is personal property and a shareholder is entitled to a statement on demand showing the number of shares that he owns”.

11. Amendment of section 97 – Share capital

The principal Act is amended in section 97 by repealing subsections (2) and (3) and substituting the following –

THE CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 2013

ARRANGEMENT

Sections

1. Short title.
2. Interpretation
3. Amendment of section 12- Application for registration
4. Amendment of section 53 – Board of Directors and Committees
5. Amendment of 59 – Credit Committee
6. Amendment of section 65 – Supervisory and Compliance Committee
7. Amendment of section 72 – Election of Directors
8. Repeal and Substitution of section 77 – Duty care of Directors and Officers
9. Repeal and replacement of section 91 – Notice of change of Directors
10. Amendment of section 96 – Shares
11. Amendment of section 97 – Share capital
12. Amendment of section 121 – Loan by credit union
13. Amendment of section 124 – Receipt of deposits from minors

5. Amendment of section 59 – Credit Committee

The principal Act is amended in section 59 by repealing the reference to paragraphs “(a) to (d)” in subsection (7) and substituting therefor paragraphs “(a) to (e)”.

6. Amendment of section 65 – Supervisory and compliance committee

The principal Act is amended in section 65 by repealing the reference to paragraphs “(a) to (d)” in subsection (7) and substituting therefor paragraphs “(a) to (e)”.

7. Amendment of section 72 -Election of Directors

The principal Act is amended in section 72 by —

(a) inserting after paragraph (c) of sub-section (1) the following paragraphs —

“(d) the list of nominees of the proposed directors or proposed members of a committee shall be submitted to the Supervisor for approval within seven days after the close of the nomination;

(e) a person nominated as a director or a member of a committee of the cooperative society, shall be a fit and proper person in accordance with the criteria set out under section 53(4)”

(b) re-number paragraphs “(d), (e), (f) and (g)” of sub-section (1) as paragraphs “(f), (g), (h) and (i)”.

8. Repeal and Substitution of section 77 - Duty of care of Directors and Officers

Section 77 of the principal Act is repealed and replaced by the following-

“77. Duty of care of Directors, Officers etc.

(1) Every director, officer, member of a committee or management employee of a cooperative society shall —

(a) act honestly and in good faith in the performance of his functions and duties to the cooperative society; and

(b) exercise due care, diligence and skill that a reasonable prudent person would exercise in comparative circumstances.

(2) Every director, officer, member of a committee or management employee of a cooperative society shall be liable to make good any loss or damage suffered by the cooperative

[L.S.]



I Assent,

Louise Lake-Tack,
Governor-General.

28th October, 2013.

ANTIGUA AND BARBUDA

THE CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 2013

No. 12 of 2013

AN ACT to amend the Co-operative Societies Act 2010, No. 9 of 2010.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Co-operative Societies (Amendment) Act, 2013.

2. Interpretation

In this Act the principal Act means the Co-operative Societies Act 2010, No.9 of 2010.

3. Amendment of section 12- Application for registration

Section 12 of the principal Act is amended by the repeal of subsection (3) and the substitution of the following—

“(3) An application under subsection (1) shall be accompanied by the following-

- (a) Three copies of the proposed laws of the cooperative society;
- (b) The names of persons appointed and consented to act as provisional directors and

committee members of the cooperative society;

- (c) The names of the officers appointed to manage the affairs of the cooperative society;
- (d) The prescribed application fee; and
- (e) Such other information in respect of the cooperative society as the supervisor may require.”

4. Amendment of section 53 - Board of Directors and Committees

The principal Act is amended in section 53 —

(a) by inserting after sub-section (5) the following subsections —

“(6) A co-operative society shall, upon receipt of an application for registration of a cooperative society, consider the application along with accompanying information required under section 12 (3) and satisfy himself that every proposed director, committee member or officer of the cooperative society is, in accordance with subsection (4), a fit and proper person to hold the office to which he has been nominated.

(7) Where there is a proposed appointment of a director or a member of a Committee, or an employee who constitutes the management of a co-operative society, the co-operative society shall submit to the Supervisor a notice of such change as prescribed in Regulations not less than thirty (30) days prior to the proposed date of the appointment.

(8) Upon receipt of the notice of change, the Supervisor shall conduct an assessment to determine whether the proposed appointee satisfies the fit and proper person requirements in accordance with the criteria under subsection (4).

(9) The Supervisor shall within fifteen days of the receipt of the notice of change—

- (a) approve the proposed appointment and notify the co-operative society; or
- (b) where the proposed change is not approved, inform the co-operative society that the proposed appointment is not approved and give reasons for not approving.”

(b) by re-numbering subsection (6) as sub-section (10).