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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1724/21 - 2011 සැප්තැම්බර් 23 වැනි සිකුරාදා - 2011.09.23
No. 1724/21 - FRIDAY, SEPTEMBER 23, 2011

(Published by Authority)

PART IV (A) - PROVINCIAL COUNCILS

Provincial Councils Notifications

UVA PROVINCE PROVINCIAL COUNCIL

Co-Operative Societies Statute No. 3 of 2011

RULES made by the Minister of Road Development, Water Supply, Consumer Affairs & Co-operative and Food Supply & Distribution of Uva Province Provincial council under Section 71 of the Co-operative Societies Statute No 3 of 2011 of Uva Province Provincial council and approved by the Uva Province Provincial Council on 11th August 2011.

R. M. KUMARASIRI RATHNAYAKA,
Minister of Road Development,
Water Supply, Consumer Affairs &,
Co-operative and Food Supply &,
Distribution.
(Uva Province-Provincial Council)

Office of the Minister,
R. H. Gunawardana Mawatha,
Budulla.
22nd September, 2011.

THE UVA PROVINCIAL CO-OPERATIVE SOCIETIES STATUTE NO. 03 OF 2011

RULES

1. These rules may be cited as the Co-operative societies Rules 2011 Short title
2. Every application for the registration of a society shall Registration
 - (i) Be made in such form as the Registrar may prescribe
 - (ii) be signed by all the original members of the society or where the original members of such society are registered societies, by a person authorized by the by-laws of each such registered society to sign;

(iii) Be accompanied by an economic feasibility statement in respect of the proposed activities of the cooperative society.

Appeals to the
Minister
against refusal
to register

3. Where the Register refuses to register a society an appeal against such refusal may be made to the Minister by any of the signatories to the application for registration, provided that such appeal shall be made in writing within 30 days of the date on which such refusal was communicated by the Registrar.
4. Upon registration of a society the Registrar shall :
 - (i) Issue to the society a certificate of registration in the form set out in the schedule hereto together with a copy of the Uva Provincial Co-operative Societies statue and the Rules made there under in the language in which the books of the society are to be kept and
 - (ii) Sign and return to the society one copy of its by law which accompanied the application for registration.

Membership

5. Admission of persons as members of a registered society shall be in accordance with, and subject to such conditions as may be prescribed by the by-laws of that society.
6. Any registered society may admit as a member any other registered society in accordance with and subject to such conditions as may be prescribed by the by-laws of that society.
7. Any member of a registered society may, if he is not indebted to that society of his own account or is not a surety for any unpaid debt to that society, withdraw from that society by giving one month's notice in writing to the secretary.
8. Any member of a registered society may be expelled from that society for such cause, and in such manner, as may be prescribed by the by-laws of that society.
9. Any member of a registered society who loses any of the qualifications for membership prescribed by the by-laws of that society shall cease to be a member of that society and the committee of that society shall cause his name to be struck off the register of members.
10. (i) In the case of a registered society with unlimited liability a member who withdraws or is expelled from that society shall be entitled to repayment without interest of any money paid by him or his predecessor in interest towards the purchase of shares after the period prescribed in the by-laws of that society.
 - (ii) In the case of a registered society with limited liability a member who withdraws or is expelled from that society shall not be entitled to the re-payment of any money paid by him towards the purchase of shares except in accordance with the conditions, if any, prescribed by the by-laws of that society.

Number of
Members

11. In the case of any primary society, no limit shall be fixed to the number of its members provided that with the approval of the Registrar any producer, industrial or labour co-operative society may, having regard to the nature of its activities and its assets and liabilities fix a limit to its number of members in order to ensure the economic viability of such society.

12. Every registered society shall maintain a register showing; Register of Members
- (i) The name, address and occupation of each member and a statement of the shares held by him;
 - (ii) The age of any member;
 - (iii) The date on which each member's name was entered in the register,
 - (iv) The date on which any member ceased to be a member;
 - (v) The nominee, if any, appointed by each member;
 - (vi) The signature or thumb impression of each member;
13. (i) Every appointment of a nominee by any member of a registered society for the purpose of Section 32 of the Co-operative Statutes shall be in writing and shall be signed by that member in the presence of two attesting witnesses. Nominees
- (ii) No Member of a registered society with share capital shall be entitled to appoint more than one nominee unless that member holds more than one share.
 - (iii) Where more than one nominee is appointed by any member of a registered society, the number of shares to be transferred or the exact proportion of the available number of shares that is to be transferred and the manner in which any other interest of the member in the society is to be appointed to each of these nominees shall be specified at the time of the appointment of such nominees.
 - (iv) Every appointment of a nominee shall be recorded in the register of members
 - (v) The value of a share or other interest held by any member of a registered society shall, for the purpose of a transfer of interest on the death of a member be, unless the by-laws of the society otherwise provide, the amount actually paid for such share or other interest by that member,
 - (vi) Where any money is paid to a nominee who is a minor, a receipt given by the minor or his guardian shall be a sufficient discharge to the registered society making the payment.
14. No member (other than a registered society) of a registered society whether its liability is limited or unlimited, shall hold more than one-fifth of the total share capital of the society. Maximum holding
15. (i) In the case of a registered society with no share capital, no part of the funds of the society shall be divided amongst its members as dividend or otherwise, Division of Profits
- Provided however, that this paragraph shall not apply to a thrift society.
- (ii) The funds or any part thereof of a registered society shall not be divided as dividend, rebate or bonus amongst its members or officers unless:
 - (a) The entire expenditure incurred by the society during the year has been debited to the profit and loss account before the calculation of the net profit, and
 - (b) The Registrar's prior approval has been obtained,

- (iii) No registered society shall pay a dividend exceeding ten per centum on share capital actually paid up in the final balance of last year.
- (iv) The Registrar may by general or special order direct that any registered society shall so long as it receive loans, deposits or their credit facilities from any non-member other than a Bank.
 - (a) Not pay any dividend, or
 - (b) Pay dividends at such reduced rates as the Registrar may determine,

Maximum
Liability

16. (i) Every registered society shall from time to time fix at a general meeting of the society the maximum amount it may receive as loans, deposits or otherwise from persons who are not members.
- (ii) Where the Registrar is of opinion that the fixing of a maximum amount as provided by paragraph (i) of this rule shall create hardship to any particular registered society, the Registrar may fix such maximum amount for such society for such time as he may consider necessary.

General Meetings

17. (i) Every registered society shall from time to time hold general meetings as provided in its by-laws for the disposal of the necessary business including:
- (a) The fixing of the maximum amount of credit which the society may receive as loans, deposits or otherwise from non-members;
 - (b) where the society provides credit facilities to members, the fixing of the maximum credit which may be allowed to each member;
 - (c) The election of members of the committee;
 - (d) The consideration of the reports of the Registrar if any, and the audited statement of accounts and the report of the auditor appointed by the Registrar.
- (ii) Questions before a general meeting of any registered society shall be decided, unless otherwise specifically provided in its by-laws, by a majority of those present and voting.
- A member of a society registered under section 6 (i) (a) of the Co-operative Societies statute present at a general meeting of such society shall have one vote and no more.
- Delegates present at a general meeting of any other registered society shall exercise the vote in accordance with the by-laws of such registered society.
- In the case of an equality of votes, the chairman shall have a casting vote.
- (iii) A registered society which is a member of any other registered society shall not appoint any person from among its members to represent it at any general meeting of such other society if such person:
- (a) Is, in respect of any loan or loans taken by him, in default to that society or to any other registered society, or to the liquidator of any society the registration of which has been cancelled, for such period as is prescribed by the by-laws of each such society or where no period is prescribed, for any period exceeding three months; or
 - (b) is in default in any other respect to that society or to any other society or to any liquidator.

18. (i) The Registrar, or any person authorized in that behalf by general or special order of the Registrar, may at any time summon a special general meeting of any registered society in such manner and at such time and place as the Registrar or such person may direct. Presence of 10 members or their representatives who have right to be present and to vote at such meeting shall form the quorum and such meeting shall have all the powers, including the power to amend the by-laws, of a duly convened meeting of the society.
- (ii) The Registrar or any person authorized by him in writing in that behalf may at any time summon a meeting of the committee of any registered society in such manner and at such time and place as the registrar or such person may direct. The number of persons present at such meeting shall form a quorum. (unless such numbers is less than three) and such meeting shall have all the powers of a committee duly convened in accordance with the by-laws of the society.
- (iii) Where a special general meeting under Rule 18 (i) or a committee meeting under Rule 18 (ii) is summoned by the Registrar or a person authorized by the Registrar, the Registrar or such authorized person shall have the power to order the production of such books and documents of the society as he may consider necessary. It shall be the duty of the secretary of the society to comply with every such order.

Power of Registrar to summon General meetings or Committee meetings and to attend meetings.

The Registrar or any person authorized by him, may preside at any meeting summoned under Rule 18 (i) or 18 (ii) but shall have no vote; in the event of an equality of votes the chairman shall have a casting vote.

- (iv) The Registrar or any person authorized by him in writing by general or special order, shall be entitled to be present and to speak at any general meeting or committee meeting of any registered society.

Provided, however, that the Registrar or any person so authorized by him shall not have the right to vote at any such meeting.

19. Every registered society shall have a committee of management. The members of the committee of management of a registered society may be elected, suspended or removed in accordance with the by-laws of the society. Where the by-laws of the registered society provide for a regional or a branch committee, a member of such regional or branch committee may be elected, suspended or removed in the Manner prescribed in the by-laws.

Committee

Notwithstanding the above, when a new co-operative society is registered, the Registrar shall have the power to nominate persons to a provisional board of directors of such society and to remove such persons from such provisional board. A provisional board of directors nominated by the registrar shall have all the powers of a general meeting and of a committee of management. However, a board so nominated by the Registrar shall not function for a period exceeding 12 months.

20. Notwithstanding anything to the contrary in the by-laws of a registered society, the Registrar shall have the power to nominate one or more persons to its committee of management and to nominate the president or vice-president of both from among them. Where the Registrar so nominates a president or a vice-president, the elected president or vice-president as the case may be shall *ipso facto* cease to hold office as such.

21. (i) A person who has been elected to a committee of management or to a regional or branch committee of a registered society shall forth with make a declaration to such society in the manner specified in the by-laws of such society, to the effect that he is not disqualified to be so elected.

(ii) Where a person elected to a committee of management or to a regional or branch committee makes a declaration in accordance with Rule 21 (i) and such declaration is found to be false, such person shall be disqualified from holding any office in any co-operative society for a period of three years from the date of discovery of such false declaration.
22. (i) A member of the committee of a registered society may receive pay, honorarium or other remuneration only with the approval of the general body of the society previously obtained and in accordance with such rates of pay honorarium or other remuneration as may be approved by the Registrar.

(ii) Any member of the committee of any registered society or other officer who receives any payment which he is not entitled to receive in the course of his duties may be called upon by the Registrar to repay all such money to the society.
23. The committee of management of a registered society shall, subject to any regulations or restrictions duly laid down by the society at any general meeting or in its by-laws, exercise all the powers of that society except such powers as are reserved for the general meeting of that society.
24. The duties of the committee of management of a registered society shall, inter alia include the following:
 - (a) To comply with the Co-operative Societies statute, these Rules, the by-laws and the working rules of the society, and any general direction issued by the Registrar pertaining to the affairs of a society;
 - (b) To maintain true and accurate accounts;
 - (c) To keep a true accounts of the assets and liabilities;
 - (d) To arrange for the custody of the assets of the society;
 - (e) To keep a correct register of members;
 - (f) To present to a general meeting of the society and audited profit and loss account and balance sheet and the auditors report within two months of the receipt of such report form the Registrar.
 - (g) To assist the inspection of books by any person authorized to see them;
 - (h) Where the society gives loans to members, to see that the loans are applied for the purposes for which the loans were granted;

(i) To take necessary steps to remedy the defects communicated by the Registrar in accordance with Section 52 of the Co-operative societies Statute.

25. Where a registered society performs services as an agent of the government or a state corporations to shall be the duty of the committee of management and of every officer and employee of the society to perform such services in accordance with such instructions as may be issued by such authority.

26. The committee of management of any registered society shall perform their functions and discharge their duties diligently and shall simply with the law, these rules, the by-laws and the working rules of the society and any general direction issued by the Registrar pertaining to the affairs of the society, and every members of such committee shall be jointly and severally liable for any loss sustained or any penalty incurred by that society in consequence of their failure to exercise due diligence or to observe the law, these rules, the by-laws, the working rules of the society and any general directions of the Registrar,

27. In the case of any registered society which is a credit society the debts of the members of the committee of management of the society shall not in the aggregate exceed twenty-five per centum of the working capital of that society;

Provided however, that this rule shall not apply to any society which in the opinion of the Registrar has sufficient funds to meet all the credit needs of its members.

28. A registered society shall not appoint any persons as an employee of that society except in accordance with the provisions of the Uva Provincial Co-operative Employees Commission Stature No. 4 of 2010 and Uva Provincial Co-operative Societies Statute No. 3 of 2011.

Officers and Servants.

29. A registered society shall make by-laws in respect of the following matters:

Compulsory By-Laws.

(i) Name of society;

(ii) Registered address of the society;

(iii) Objects for which the society was established,

(iv) Purposes to which the funds of the society may be applied;

(v) Qualifications for membership in the society, the conditions admission of members and mode of their admission;

(vi) The nature and the extent of the liability of the members of the society;

(vii) The withdrawal and expulsion of the members of the society and the payment' if any, to be made to them.

(viii) The transfer of the share or their interests of the members of the society;

(ix) The manner of raising funds, including the maximum rate of interest on deposits;

(x) The general meetings of the society and the procedure at and the powers to be exercised by such meetings;

- (xi) The appointment, suspensions and removal of the members of the committee and other officers of the society, and the powers and duties of the committee and other officers;
- (xii) The authorization of an officer of the society to sign documents on behalf of the society; where the objects of any registered society include the creation of funds to be lent to its members that society shall make by laws in respect of the following additional matters:
- (xiii) The occupation on which loans may be made to members, including:
- (xiv) The conditions on which loans may be made to members, including:
 - (a) The rate of interest,
 - (b) The maximum amount which may be lent to a members,
 - (c) extension of the terms, and renewal of loans,
 - (d) The purpose of loans,
 - (e) Security for repayment,
- (xv) The consequences if any of default in payment of any sum due on account of shares or loans;
- (xvi) The disposal of the profits.

Working Rules

30. A registered society may, subject to its by-laws, made from time to time such working rules as it may consider necessary and such working rules shall be binding on the committee of management and on every officer and employee of the society.

Damages

31. The damages recoverable by a registered society from any of its members under section 28 (1) (b) of the Co-operative Societies Statute shall be the damages arising from the loss of business to the society arising directly or indirectly by the failure of the member to dispose through the society the whole or any specified portion as the case may be, of the produce the such damages shall not exceed the market value of the produce increased by ten per centum.

Waiver of debts

32. No debt or other claim due to a registered society may be waived or written of except with the prior approval of the general body and where the debt or claim concerned involves a sum exceeding five thousand rupees except with the prior approval of the general body and of the Registrar.

Amendment of
By-Law

33. (i) Subject to the provisions in Section 11 of the Co-operative Societies statute and Rule 29 of these rules a registered society may amend its by-laws.
- (ii) An amendment of a by-law shall be made only by a resolution at a general meeting of the society subject to the condition that;
- (a) In the case of a society with unlimited liability the general meeting is attended by not less than one-half of the members of the society and the resolution receives the assent of three fourths of such members.

(b) In the case of a society with limited liability the resolution receives the vote (which may be in writing) of a clear majority of the total numbers of persons entitled to be present and to vote at a general meeting of the society Where written votes are used voting papers shall be sent to each to such person and the written votes shall be examined and counted at a general meeting at which there shall be a quorum as prescribed in the by-laws of the society.

(iii) Notwithstanding anything in the preceding provisions of this rule, any by-law or any amendment of any by-law which has been previously approved or recommended by the Registrar may be adopted by a majority of two-thirds of those present and entitled to vote at a general meeting of the society of which due notice of the intention to discuss the proposed by-law or amendment has been given.

(iv) As soon as any by-law is made, amended or rescinded, the registered society shall send two copies thereof to the Registrar together with a statement signed by the president and the secretary of the society that the provisions of paragraph (ii) of this rule, as the case may be, have been complied with.

34. A registered society may provide in its by-law for the imposition of fines on its members for contravention of its by-laws such by-laws shall among other things provide for.

Imposition of fines

(a) Notice in writing of the intention to impose such fines and the reasons there for. Such notice shall either be sent by registered post to the address of the member as appearing in the books of the society or be delivered by hand to such member;

(b) Each such member shall be given 14 days to submit his explanation, in regard to the alleged contravention of the by-law.

(c) Where no explanation is provided by the member, the society may proceed by to impose a fine not exceeding Rs. 100.

(d) Where the member furnishes an explanation such explanation shall be considered at a duly summoned committee meeting and a decision arrived at. Where it is decided to impose a fine in spite of the member's explanation such fine shall not exceed Rs. 100.

35. A registered society may, shall not grant any loans to any person other than a member provided that with the prior approval of the Registrar, a registered society may lend to another registered society.

Restriction on grant of loans

36. A registered society may, with the prior approval of the Registrar, invest its fund in any Public or private institution provided that specific provision has been made such Public or private institution to enable such investment.

Investment of society Funds

37. Every registered society shall maintain such books of accounts and other documents as may be prescribed by the Registrar. It shall be the duty of the committee of management to see that the society is staffed with personnel qualified to maintain the accounts of the society and that the

Accounts

books of accounts of the society are duly kept and that such books and documents of the society are maintained up to date.

The committee of management shall see that the society maintains a register showing persons who keep the various books of accounts and other documents of the society. Each such person shall duly sign such register in acknowledgment of the fact that he is responsible for the maintenance and custody of such books of accounts and other documents

The committee of management which willfully neglects to staff the society with qualified personal necessary to maintain the books of accounts and other documents up to date or which fails to ensure that such books of accounts and other documents are duly maintained shall be guilty of an offence duly maintained, shall be guilty of an offence.

38. Every registered society shall permit any person interested in its funds as member depositor or creditor to inspect its annual balance sheet.
39. The committee of management of every registered society or an officer of the society appointed for the purpose by the committee shall prepare yearly in such form as may be prescribed for the purpose by the Registrar and forward to the Registrar within such time as he may direct:
- (i) A trial balance
 - (ii) A income statement
 - (iii) Statement of change in equity
 - (iv) A cash flow statement
 - (v) A balance sheet
 - (vi) Detail notes and accounting policies

annual financial statements should be presented to the audit along with the responsibility statement of board of directors. All financial statements should be prepared in accordance with the accounting standard.

40. (i) The Registrar may by order in writing direct any registered society:
- (a) To cause such accounts and books of the society as may be specified in the order to be written up to such date as the Registrar may determine, and
 - (b) To send any return which he may require in such form and within such time as may be specified in the order.
- (ii) If any registered society fails to comply with an order under paragraph (i) the Registrar may get the accounts and books written, and the returns prepared by any person authorized by him.

Where the accounts and books of any society have been written up and the returns have been prepared by any person authorized by the Registrar the Registrar shall determine the amount payable for such work and call upon the society to pay such amount; and if that society fails to do so such amount shall be recoverable by the Registrar upon application to a Magistrate having jurisdiction in the area and such Magistrate shall proceed to recover such amount as if it were a fine imposed by him.

Where the person authorized by the Registrar to write up the books of a registered society is a state officer, the amount paid or recovered shall be credited to the Provincial Council Fund.

41. (i) The audit of the accounts of a registered society shall be done by any officer of the Department of Co-operative Development authorized by the Registrar or by any certified auditor appointed by the Registrar. A certified auditor for the purpose of these rules shall be: Audit
- (a) a chartered accountant or a firm of Chartered Accountants or;
 - (b) A person or a body of persons whose name has been included in the panel of auditors maintained by the Registrar.
- (ii) The audit under section 51 (2) of the Co-operative Societies Statute shall in all cases extend back to the last date of the previous audit and shall be-carried out up to the last date of the financial year immediately preceding the audit or where the Registrar so directs to such other date as may be specified by the Registrar.
- (iii) The Registrar may require an auditor to prepare a special audit covering a period not exceeding 12 months where such an audit is required for the purposes of criminal proceedings.
- (iv) An auditor shall submit to the Registrar in duplicate an audit report in the manner specified by the Registrar. Such report shall among other things contain a statement as to:
- (a) Whether he had obtained all the information and explanations required by him.
 - (b) Whether the books of accounts have been kept up to date by the society;
 - (c) Whether the balance sheet and profit and loss account are in agreement with the books of the society.
- (v) The auditor shall annex to his audit report all such schedules and certificates as are prescribed by the Registrar.
- (vi) The auditor shall along with the audited balance sheet of the society furnish an audit certificates substantially in the form given below.

I/We have examined the accounts of the.....Co-operative society union limited/unlimited and audited the balance sheet copied above. I/We have obtained from the officers of the society union all the information and explanations required by me/us (except for those referred to at page of this report) I/We have verified all the assets and liabilities stated in the balance sheet and am/are satisfied that these assets / liabilities exist and have not been overvalued. In my/our opinion the balance sheet is properly drawn up so as to exhibit a true and a fair view of the state of affairs of the society/union according to the best of my/our opinion and on the information and explanations given to me/us and as shown by the books of the society/union.

Date Auditor

- Power to summon
42. The Registrar or any person authorized by the Registrar to conduct an audit, inquiry inspection or investigation under Section 51, 53 and 54 respectively of the Co-operative Societies Statute shall have the power to summon all such persons as he may consider necessary for such, audit, inquiry, inspect or investigation as the case may be. Summons may be delivered by hand or sent by registered post provided that any person so summoned shall have at least 7 clear days notice.
- Co-operative Fund
43. (i) The Co-operative fund established under the section 46 of the Co-Operative Societies Statute shall be administered, subject to any general or specific directions of the Minister which formulated according to the rules made by him under the section 71 of Co-operative Societies Statute, by the Registrar who may utilize the monies lying to the credit of that fund for the purpose of-
- (a) Co-operative education, extension and publicity;
- (b) Improving the management efficiencies of Co-operative societies;
- (c) Rendering assistance to existing Co-operative
- (ii) Every registered society shall when called upon to do so by the Registrar make annually a contribution to the Co-operative Fund of such amount not exceeding ten per centum of the net annual profits of the society and not less than Rs. 100 as the Registrar may determine.
- Surplus Fund
44. (i) A fund hereinafter referred to as the Surplus fund shall be maintained by the Registrar for the purposes of Section 67 (3) of the Co-operative Societies Statute.
- (ii) Monies lying to the credit of the Surplus Fund may be used by the Registrar
- (a) To assist any registered primary society by either purchasing shares in such society or in such other manner as the Registrar may determine;
- (b) Assist any registered society in the district from which a surplus has accrued to purchase any fixed assets;
- (c) To assist any liquidator to defend himself in any civil proceedings against him;
- (d) To assist any registered society formed in terms of section 6 (1) (c) and (d) of the Co-operative societies Statute or any other institution established for the purpose of rendering assistance to registered societies.
- copies of entries
45. For the purpose of section 36 (1) of the Co-operative Societies Statute a copy of any entry in the books of a registered society may be certified by a declaration in writing at the foot of such copy that it is a true copy of such entry and that the book containing the entry is still in the custody of the society, such declaration being dated and signed by the president of the society and one member of the committee of management.
- Reserve Fund
46. The Reserve fund of a registered society may be used in the business of such society unless the Registrar by special order directs it to be invested in accordance with section 45 of the Co-operative Societies Statute.

47. The Reserve Fund shall be in divisible and no member shall be entitled to claim anything in it.
48. (i) A registered society shall not acquire or sell any movable property other than stock in trade which is of the value of fifty thousand rupees or more without the approval of general meeting and without the written prior approval of the Registrar. Acquisition of land etc. with funds of society
- (ii) A registered society may with the approval of the general meeting and with the prior approval in writing of the Registrar acquire by purchase gift or otherwise and take on lease lands, buildings or other immovable property or sell mortgage lease exchange or otherwise dispose of lands buildings or other immovable property for any purpose connected with its objects.
49. (i) Where a dispute has to be referred to the Registrar for decision under Section 68 of the Co-operative Societies Statute such references may be made by— Disputes
- (a) The committee of management of the registered society; or
- (b) The registered society by a resolution passed at a general meeting of that society; or
- (c) Any party to the dispute; or
- (d) Any member of the registered society if the disputes concerns a sum due from a member of the committee of management or other officer of the registered society.
- (ii) Where a claim of any registered society referable to the Registrar under section 68 (I) of the Co-operative Societies Statute is not refereed to the Registrar by any person competent to do so under Rule 49 (i) any dispute arising out of any such claim may be referred to the Registrar on behalf of such society by any person who in respect of that society has done and audit under section 51 or hold any inquiry under section 53 or done an inspection or investigation under section 54 of the Co-operative Societies Statute.
- (iii) The Registrar may direct the whole or any portion of the expenses which are likely to be incurred in determining the dispute to be paid in advance by the party in the position of the plaintiff.
- (iv) Where a dispute concerning a sum of money payable by a member of the committee of management or other officer is referred for decision to the Registrar by any member of the registered society or where a dispute is referred to the Registrar by and person under Rule 49 (ii) such member or such person shall have the power to act on behalf of the society in all proceedings connected with that disputes and shall be entitled to have access to all books and documents of the society as are pertaining to the dispute and shall be entitled to payment by the society of any reasonable expenses incurred by him in that regard.
- Whoever obstructs any party to a dispute or any person acting on behalf of any party to a dispute in any manner whatsoever shall be guilty of an offence.
- (v) (a) Where the Registrar decides to reffer any dispute to an arbitrator such arbitrator shall be appointed by the Registrar.

- (b) Where any person appointed as an arbitrator under rule 49 (v) (a) dies or refuses or neglects or is found by the Registrar to be unfit to act as an arbitrator or becomes incapable of acting as such by reason of absence, illness or otherwise the Registrar shall appoint another person as arbitrator in place of the person who died or refused or neglected or was found to be unfit to act or became incapable by reason of absence, illness or otherwise of acting as arbitrator.
- (c) An arbitrator appointed by the Registrar under rule 49 (v) (a) shall forthwith attend to the arbitration and complete the hearing and grant an award within 3 months of such appointment. Where however an arbitrator so appointed is unable to complete the hearing and to grant and award within such time he shall forthwith communicate with the Registrar stating the reasons for his inability to grant an award within the specified 3 month and shall state the further time which he considers necessary to complete the hearing and grant an award the Registrar may grant such extension of time as he may consider necessary.
- (d) Where an arbitrator is unable to attend to the arbitration for any reason specified above he shall forthwith return to the Registrar all such papers and document as may have been referred to him.
- (e) No arbitrator shall dismiss a claim merely because a party to the dispute is absent. Where a defendant to a dispute is absent though duly summoned, the arbitrator shall proceed to decide the dispute ex parte and grant an award provided that a dispute shall not be decided ex parte on the first date.
- (vi) Where the Registrar decides to refer any dispute to more than one arbitrator he shall appoint a board of three arbitrators, of whom one shall be nominated by each of the parties and the third shall be nominated by the Registrar and shall act as the chairman of the board.
- (vii) (a) Where any party to a dispute who is required to nominate an arbitrator under rule 49 (vi) fails to do so within fifteen days of being called upon to do so by Registrar, the requester may make nomination instead.
- (b) Where any person nominated by any one of the parties to a dispute dies, or refuses or neglects or is found by the Registrar to be unfit to act as an arbitrator or become incapable of acting as such by reason of absence, illness or otherwise, the Registrar shall call upon that party to nominate another person as arbitrator in place of the person who has died or refused or neglected or was found to be unfit to act, or who became incapable by reason of absence, illness or otherwise, of acting as an arbitrator, and if that party fails to do so within fifteen days, the Registrar may nominate an arbitrator.
- (c) Where the person nominated as arbitrator by the Registrar dies, or refuses or neglects or is found by the Registrar to be unfit to act as an arbitrator or becomes incapable of acting as such by reason of absence, illness or otherwise the Registrar shall nominate another person as arbitrator in place of the person who died or refused or neglected or was found to be unfit to act, or who became incapable by reason of absence, illness or otherwise of acting as arbitrator.

(viii) No legal practitioner may be nominated as an arbitrator by any party to a dispute.

(ix) In all proceedings under this rule the Registrar or arbitrators shall have the power

(a) To administer oaths,

(b) To require the attendance of the parties and witnesses and to require the production of all necessary books and documents by a summons delivered orally or sent by hand or through the post under registered cover or through the nearest civil court having jurisdiction in the area in which the society carries on business.

(c) To order expenses incurred in deterring the dispute including the costs of the parties or of the person who refer a dispute for decision under rule 49 (1) (d) or (49) (ii), to be paid out of the funds of the society or by such party or parties to the dispute as he or they may think fit.

(x) The Registrar or the arbitrator or arbitrators shall hear the evidence of the parties to the dispute and their witnesses who attend, and upon that evidence and after consideration of any documentary evidence produced by either party shall give such decision or award as the case may be, in accordance with justice, equity and good conscience.

The award of the arbitrator or arbitrators shall be reduce to writing, announced to the parties present and forwarded to the office of the Registrar or to such subordinate officer as the Registrar may direct along with the record of the proceedings.

(xi) The determination of any question before a board of three arbitrators shall be according to the opinion of the majority, or where each of the three arbitrators is of a different opinion according to the opinion of the chairmen of the board,

(xii) (a) every appeal to the Registrar from and award of an arbitrator or a panel of arbitrators shall be made within 30 days from the date of the award by a written statement setting out the grounds of appeal. Every such appeal shall be forwarded to the Registrar with an appeal deposit as per the section 68 (3) of Co-operative Societies Statute.

(b) An appeal not made in conformity with the above shall be rejected by the Registrar.

(c) The Registrar may make a decision on the appeal without hearing any of the parties to the dispute.

(d) Where the Registrar is satisfied that the appellant had reasonable grounds to appeal the sum deposited by him shall be returned to the appellant.

(e) Where the Registrar is satisfied that the appellant had no reasonable grounds to appeal the appeal deposited shall be forfeited and credited to the provincial council fund.

(xiii) In proceedings before the Registrar or and arbitrator or arbitrators, no party shall be represented by a legal practitioner.

50. The order of the secretary of provincial Co-operative ministry on any appeal under section 51 of the Co-operative Societies Statute shall be final.

Appeals to the
Secretary

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| Appeals to the Minister | <p>51. The order of the Minister of provincial Co-operative ministry on any appeal under section 59 of the Co-operative Societies Statute shall be final.</p> <p>52. Upon the appointment of any persons under section 56 of the Co-operative Societies statute to manage the affairs of any registered society, the members of the committee of management which has been dissolved shall hand over to such person or persons the entire business.</p> <p>Where such committee fails to hand over the entire business if the society and all other property including the books and documents of the society to the person or persons so appointed by the Registrar each member of such committee shall be deemed to be guilty of an offence.</p> |
| Transaction | <p>53. The Registrar shall have power to prohibit or restrict transaction of any registered society with any persons who are not members of the society if the Registrar is of the opinion that such transactions are opposed to Co-operative principles or involve an abuse of any of the privileges accorded to registered societies or involve an evasion of income tax or a breach of any rules or orders of Government or Provincial council.</p> |
| Offences | <p>54. If not specially mentioned in the statute, offences under these Rules shall be dealt with in the same manner as offences under Section 82 of the Co-operative Societies Statute.</p> |
| Interpretation | <p>55. In this rules unless the context otherwise requires:-</p> <p>“Statute” means the Uva Provincial Co-operative Societies Statute No. 3 of 2011,
 “Registrar” means the person appointed to perform the duties of the Registrar of Co-operative Department in the Uva Province under the Statute.
 “Society” means any society or union registered under the statute.</p> |
| If any inconsistency Sinhala text shall be influenced | <p>56. In the event of any inconsistency between the Sinhala and English or Tamil text of this Rules the Sinhala text shall prevail.</p> |

SCHEDULE
 FORM OF CERTIFICATE OF REGISTRATION
 (Rule No. 4)

I hereby certify that I have this day registered
 as a Co-operative Society with
 liability.

Under the above names and with its address atin accordance with section 8 (1) of the Co-operative Societies Statute No. 3 of 2011.

Date Registrar of Co-operative Societies Uva Province.