

L.N. 60 of 1993

CO-OPERATIVE SOCIETIES ACT
(CAP. 278)

Co-operative Societies (Central Co-operative Fund) Regulations, 1993

IN exercise of the powers conferred by sections 86 and 113 of the Co-operative Societies Act, the Minister of Education and Human Resources, has made the following regulations:—

Citation. 1. These regulations may be cited as the Co-operative Societies (Central Co-operative Fund) Regulations, 1993.

Interpretation. 2. (1) In these regulations:—

“Act” means the Co-operative Societies Act; and

“Malta” has the same meaning as is assigned to it in section 124 of the Constitution.

(2) Words and phrases not defined in these regulations shall have the same meaning as is assigned to them in the Act.

3. (1) There shall be a Committee which shall be known as the Central Co-operative Fund Committee, whose functions shall be:—

Establishment
and functions
of the Central
Co-operative
Fund Committee.

(a) to administer the Central Co-operative Fund;

(b) to promote co-operative education and training for the general development of the co-operative movement in Malta, and to carry out all activities relating thereto;

(c) to finance educational and training programmes relating to the promotion and development of the co-operative movement for members of and personnel engaged by co-operatives and other persons who may actively contribute to the promotion of the co-operative movement;

(d) to commission studies and research on particular areas of co-operative activity or any individual co-operative society in Malta, with a view to assessing past performance and discovering possible potential for future operation;

(e) to produce or publish co-operative educational material for use by members of co-operative societies, students and the general public with a view to promoting co-operative ideals and practice;

(f) to sponsor participation by co-operatives in trade fairs or specialised fairs for the promotion of co-operative societies or the co-operative movement in general.

4. (1) The Co-operatives Board shall appoint the Committee of the Central Co-operative Fund, in accordance with the provisions of this section.

Composition of
the Central
Co-operative
Fund Committee.

(2) The Central Co-operative Fund Committee shall consist of:—

(a) a chairman, who shall be the Chairman of the Co-operatives Board or, in his absence, the Acting Chairman of the said Board;

(b) one member of the Co-Operatives Board nominated by the said Board;

(c) a member nominated by the Minister and who, in the opinion of the Minister, is experienced in matters relating to co-operative societies;

(d) four members representing the co-operative societies. For this purpose every co-operative society has the right to nominate one representative who shall be a committee member or a full time employee occupying a managerial post. These members are to be elected as follows:—

(i) one member nominated by that co-operative society which during the last two calendar years shall have contributed the highest amount of funds to the Central Co-Operative Fund;

(ii) two members being one each nominated by the co-operative societies engaged in agricultural and, or fishing activities;

(iii) one member nominated by the co-operative societies other than those engaged in agricultural and, or fishing activities:

Provided that in no event may a single co-operative society nominate more than one member.

(3) The Secretary of the Co-Operatives Board shall serve as Secretary of the Committee, but shall not be entitled to vote.

(4) The members of the Committee shall be appointed for a period of two years: provided that subject to the foregoing provisions of this paragraph, the members nominated in terms of sub-paragraphs (a), (b) and (d) of paragraph (2) of this regulation, shall retain office only as long as they remain members of the Co-operatives Board or committee of management which had submitted their nomination.

(5) At the end of their term of office, all members of the Committee shall be eligible for re-appointment solely for one other term. The Chairman shall be eligible for re-appointment for further terms without limitation.

(6) A member of the Committee shall be paid such honorarium as the Committee, with the concurrence of the Minister, may from time to time determine. Such honorarium shall be paid out of the Central Co-Operative Fund.

(7) When a vacancy occurs for whatever reason in respect of a member of the Committee appointed in terms of paragraph (2) (b) of this regulation, such vacancy shall be filled by another member of the Co-operatives Board nominated by the said Board.

(8) When a vacancy occurs for whatever reason in respect of a member of the Committee appointed in terms of paragraph (2) (d) of this regulation, such vacancy shall be filled by the person who had obtained the highest number of votes from among the non-elected candidates in the last preceding elections in the same category:

Provided that a member who assumes office in virtue of paragraphs (7) or (8) of this regulation shall only hold office for the remaining period of the original term of office of the member he replaces.

(9) When a vacancy occurs for whatever reason in respect of a member of the Committee appointed in terms of paragraph 2 (c) of this regulation, such vacancy shall be filled by another member nominated by the Minister.

Judicial
representation
of the Central
Co-operative
Fund Committee.

5. The legal and judicial representation of the Committee shall be vested in the Chairman or, in his absence, in any other member of the Committee which the Committee may from time to time appoint for the purpose:

Provided that the Committee may appoint any one or more of its members to appear in its name and on its behalf in any judicial proceedings, or on any act, contract or document whatsoever.

Procedure of
the Central
Co-operative
Fund Committee.

6. (1) Meetings of the Committee shall be convened by the Secretary acting on instructions of the Chairman, and shall be held as frequently as necessary, but in any case not less than once in every three months.

(2) The quorum at meetings of the Committee shall consist of four members, including the Chairman or in his absence the Acting Chairman, and one other member nominated in terms of regulation 4 (2) (b) or (c).

(3) Subject to the provisions of the last preceding paragraph, the Committee shall not be precluded from holding any meeting or from acting in any matter merely by reason of any vacancy in its membership.

(4) All decisions of the Committee shall be taken by a simple majority of votes taken by the members present and voting. The Chairman, or in his absence the Acting Chairman, shall in the case of an equality of votes, have a casting vote in addition to his original vote.

7. The Committee shall exercise due diligence in administering the funds under its responsibility. The Committee shall at all times keep at least twenty per cent (20%) of the total fund in the Central Co-operatives Fund in a current or savings account opened with a local bank.

Central
Co-operative
Fund Bank
Account.

8. (1) Every payment made out of the Central Co-operative Fund shall be supported by a voucher signed by the Chairman and one other member of the Committee.

Payments from
the Central
Co-operative
Fund.

(2) Payments shall be made by cheque which shall be signed by the Chairman or any other member of the Committee.

9. The Committee shall keep proper accounts and all other necessary records in respect of the financial transactions of the Fund.

Accounts and
records.

10. (1) The accounts of the Fund shall be made up to the 31st December of each year and shall be audited by a person qualified to be appointed as auditor of a company in accordance with the applicable enactment from time to time in force, and authorized for the purpose by the Co-operatives Board. The auditor so appointed shall at all reasonable times have full and free access to all accounting and other records relating to the financial transactions of the Fund.

Audit of the
Central
Co-operative
Fund.

(2) The auditor shall in particular report on —

(a) whether the financial statements show a true and fair view the financial transactions and the state of affairs of the Fund;

(b) whether proper accounting and other records have been kept;

(c) whether the receipts, payments, deposits and investments of monies in respect of the Fund have been effected in accordance with the provisions of the Act and of these regulations;

(d) any other relevant matters arising from the audit.

11. (1) There shall be held at least once in every two calendar years a general meeting of the Committees of Management.

Functions of
the General
Meeting.

(2) The functions of the general meeting shall be the following:

(a) to consider the auditor's report on the accounts and workings of the Fund, and to examine and, if deemed fit, to approve the audited financial statements of the Fund;

(b) to elect the representatives of the Co-operative Societies to sit on the Committee in terms of regulation 4 (2) (d);

(c) to appoint the auditors of the Fund.

(3) Every co-operative society shall be entitled to nominate two delegates to represent it at the general meeting. Each delegate shall be entitled to attend and vote at the general meeting.

(4) Fourteen days notice shall be given to all co-operative societies of the date and venue of a general meeting.

(5) The quorum at a general meeting shall consist of delegates representing not less than fifty per cent of all the delegates entitled to attend and vote at the meeting.

Communications
by the
Committee.

12. Any notice, communication or other document, and any other authorization issued by or on behalf of the Committee shall be signed by the Chairman or by the Secretary or by another person, duly authorized in writing by the Chairman to act for the purpose.

Communications
to the
Committee.

13. Any notice, communication or other document addressed to the committee shall be addressed to the Chairman.

Repeals
L.N. 155
of 1989.

14. The Co-operative Societies (Central Co-operative Fund) Regulations, 1989 are hereby repealed.