



THE
JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

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No. 3

No. 5

THE CO-OPERATIVE SOCIETIES ACT

THE CO-OPERATIVE SOCIETIES (AMENDMENT) REGULATIONS, 2021

In exercise of the powers conferred upon the Minister by section 52 of the Co-operative Societies Act, and of every other power hereunto enabling, the following Regulations are hereby made:—

1. These Regulations may be cited as the Co-operative Societies (Amendment) Regulations, 2021, and shall be read and construed as one with the Co-operative Societies Regulations, 1950 (hereinafter referred to as the principal Regulations) and all amendments thereto.

2. The principal Regulations are amended by inserting next after regulation 1 the following—

“ 1A.—(1) In these Regulations—

“attende” includes a member, officer and members of a committee attending a meeting of the registered society;

“ballot” includes a ballot marked through or by electronic means;

“computer” has the meaning assigned to it by section 2 of the Cybercrimes Act;

“computer service” has the meaning assigned to it by section 2 of the Cybercrimes Act;

“disaster” has the meaning assigned to it by section 2 of the Disaster Risk Management Act;

“electronic” has the meaning assigned to it by section 2 of the *Electronic Transactions Act*;

“electronic communications system” has the meaning assigned to it by section 2 of the *Electronic Transactions Act*;

“hybrid-meeting” means a meeting held simultaneously as a virtual meeting, as well as at a physical venue in which attendees, whether virtually or present in-person, simultaneously attend and participate in the proceedings of the meeting in real-time;

“in-person meeting” means a meeting in which all attendees—

- (a) are physically present together in one location; and
- (b) participate in the business of the meeting and interact with each other, face to face;

“show of hands” includes a show of hands through or by electronic means;

“virtual-only” means a meeting in which the attendees participate from numerous physical locations, whether inside or outside of Jamaica, through the facility of the internet or intranet by use of integrated audio and video, chat and messaging tools, and application-sharing software by electronic means.

(2) Where the provisions of these Regulations require a member to attend a meeting, in person, or the casting of votes, whether by a show of hands or ballot, by members present at the meeting, such requirement is satisfied if the member attends and participates through or by electronic means at a meeting held as a hybrid or virtual-only meeting, in accordance with the provisions of these Regulations.

(3) The provisions of these Regulations shall apply, with any necessary modification, to hybrid meetings and virtual-only meetings.”.

3. The principal Regulations are amended by inserting next after regulation 25, the following—

“25A.—(1) Subject to paragraph (2), a registered society may hold a meeting as a virtual-only or hybrid meeting, unless the constitution or

the rules of that registered society expressly prohibit the holding of meetings as hybrid or virtual-only meetings.

(2) A registered society shall not cause a meeting to be held as a hybrid or virtual-only meeting, unless satisfied that each attendee is able to attend and fully participate in the meeting, if held in such manner.

25B.—(1) Subject to paragraph (2), a hybrid meeting or virtual-only meeting held by a registered society shall have full effect, in all respects and to the same extent, as if that hybrid meeting or virtual-only meeting was held in Jamaica as an in-person meeting.

(2) Paragraph (1) shall not apply to a hybrid meeting or a virtual-only meeting that is not conducted in a manner so as to enable—

- (a) each attendee to participate in the conduct of the business of the registered society at that meeting, including voting;
- (b) each attendee to see, to be seen by, to hear, to be heard by, to be identified by, and to be able to identify other attendees;
- (c) effective communication with the chairman or other officer, and among attendees during the meeting;
- (d) communication between an attendee and the chairman or other officer of any failure of any electronic communications system or computer service enabling virtual participation, which deprives the attendee of the ability to—
 - (i) participate in the meeting;
 - (ii) identify other attendees;
 - (iii) be identified by others; or
 - (iv) effectively communicate under sub-paragraphs (a) and (b);
- (e) in the case of an annual or special general meeting, confirmation of the quorum required for the meeting, in accordance with regulation 21; and
- (f) a proper record, including an electronic record, of the business of the meeting to enable and verify compliance with the requirements of the constitution of the registered society, the rules of the registered society and these Regulations.

25C. Where a meeting is to be held as a hybrid meeting or a virtual-only meeting, the registered society—

- (a) may cause any document, including the notice referred to in sub-paragraph (b), required for the conduct of the business

of the registered society at the meeting, to be delivered by electronic means;

- (b) shall cause a notice of the meeting to provide instructions for attendance and participation, including voting by members, electronically, and an electronic link for attendees;
- (c) may verify the identity and confirm the participatory acts, including a vote cast, of any member who attended the meeting, electronically, to ensure that the conduct of the business of the registered society is in compliance with the rules and constitution of the registered society and prescribed requirements.

25D. Where a registered society holds a virtual-only or hybrid meeting, the registered society—

- (a) shall cause the identity of all attendees participating in the meeting to be verified; and
- (b) may establish procedures and restrictions to secure the conduct of the business of the meeting, including voting.

25E. Where a meeting is held by a registered society as a hybrid meeting or virtual-only meeting and during the meeting a number of the members participating, virtually, cease to be able to participate in the meeting, at any time and for any period during the meeting, in such numbers that the quorum requirement for that meeting is not met, all business transacted at that meeting, including matters put to a vote and any resolutions passed, shall be void.

25F.—(1) Notwithstanding these Regulations, where an annual general meeting is due to be held and cannot be held, as a result of events and conditions that are the subject of—

- (a) an order under section 26(2) of the *Disaster Risk Management Act* declaring the area in which the meeting is to be held to be a disaster area or a threatened area, as the case may be; or
- (b) a Proclamation under section 20 of the Constitution of Jamaica, declaring a period of public disaster or a period of public emergency, the registered society may cause an application to be made, in writing, to the Registrar, in the form set out in the First Schedule, for approval to hold such meeting, as soon as practicable, or at a later proposed date.

First
Schedule.

(2) An application for the postponement of an annual general meeting under subsection (1), shall be submitted to the Registrar, not less than 30 days prior to the date on which the annual general meeting

is due to be held, and any later date proposed by the applicant for the holding of the annual general meeting shall be a date within a period of 120 days after the date due for holding the annual general meeting.

(3) On receipt of an application made under paragraph (1), the Registrar may refuse to approve, giving the reasons therefor, or approve the application.”.

4. Regulation 40(1)(h) of the principal Regulations is amended by inserting immediately after the word “committee” the words, “including any meetings which may be held as hybrid meetings or virtual-only meeting”.

5. Regulation 50 of the principal Regulations is amended by deleting—

- (a) the word “Schedule” and substituting therefor the words “Second Schedule”;
- (b) the marginal note in relation thereto and substituting therefor the following—

“Second Schedule.”.

6. The Schedule to the principal Regulations is amended by—

- (a) renumbering the Schedule as the Second Schedule;

(b) deleting the heading and substituting therefor the following—
 “ SECOND SCHEDULE (Regulation 50)
Schedule of Fees”; and

(c) inserting next after section 50, the following—
 “ FIRST SCHEDULE (Regulation 25F(1))

FORM
 CO-OPERATIVE SOCIETIES ACT
 Co-operative Societies Regulations, 1950
*Application for Postponement of Annual
 General Meeting*

Name of Applicant:
(Name of Officer of Registered Society)

Name of Registered Society: Reg. No.:

Email Address: Telephone Number(s):

Registered Society's Address:

Event or condition: Public emergency Public disaster
 Other:

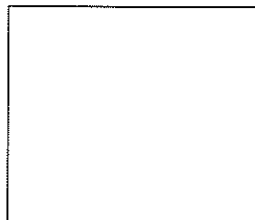
State reasons for Request:

Due date of annual general meeting:

Proposed date for postponed meeting:

Signature: Date:

Seal of Registered Society (if any):



Secretary:

Address:

Date:

FIRST SCHEDULE, *contd.*

| <i>For Official Use Only</i> | |
|---|-------------------|
| Date Received: | |
| Approved: | Approval Refused: |
| Reason (for refusal): | |
| Date sent to Society: | |
| Registrar's Signature: | Date: |

Note:

1. This form must be submitted 30 days prior to the due date of the meeting; and the proposed date of the meeting is a date within a period of 120 days after the date due for the holding of the annual general meeting.
2. If, on, or about the proposed date of the meeting the event or condition persists, a new application may be made to the Registrar.”

Dated this 4th day of January, 2021.

AUDLEY SHAW
Minister of Industry, Investment and Commerce