

THE TRUSTEES INCORPORATION RULES, 1955

In exercise of the powers conferred upon him by section 18 of the Trustees (Incorporation) Ordinance, 1951 [No. 5 of 1951. (Cap. 148)], the Governor has made the followings rules:-

1. These rules may be cited as the Trustees Incorporation Rules, 1955.
2. Every application for a certificate of incorporation as a corporate body shall be submitted in duplicate to the Administrator-General for registration and submission to the Governor and shall, in substance, follow Form I of the First Schedule to these Rules.
3. Every application under rule 2 of these Rules and all documents annexed thereto shall be made in duplicate on stout foolscap folio paper measuring thirteen inches in length by eight inches in breadth, and shall contain a margin of at least one-and-a-half inches on the left hand side of the paper, and one side only of the paper shall be written on:

Provided that this rule shall not apply to printed books of rules made by the proposed corporate body.
4. A certificate in Form II of the First Schedule shall be issued upon the grant of an application.
5. The person or persons having the custody of a certificate of incorporation shall, upon demand, lodge it with the Administrator-General for the purpose of endorsement with any order under section 13 of the Ordinance. Such certificate upon endorsement with any order under section 13 (3) of the Ordinance shall be retained by the Administrator-General.
6. The fees set out in the Second Schedule to these Rules shall be payable in respect of the matters therein specified.

7. (1) The record of all documents required by section 7 of the Ordinance shall be kept by the Administrator-General who is appointed to certify any copy or extract of such documents.

(2) The Administrator-General shall keep a register of all applications made, documents filed and acts performed under the provisions of the Ordinance and shall preserve all documents filed in the same manner and to the same extent, with such modifications as may seem to him to be necessary or desirable, as registers are kept and documents preserved under the provisions of the Companies Ordinance.

8. Gazette Notifications numbered S 38 and S 39 of 1954 have been cancelled.

FIRST SCHEDULE

FORM I

THE TRUSTEES (INCORPORATION) ORDINANCE, 1951
APPLICATION FOR CERTIFICATE OF INCORPORATION

TO HIS EXCELLENCY,

THE GOVERNOR OF THE COLONY OF THE NORTH BORNEO

I/We have the honour to apply for a Certificate of registration as a corporate body under the Trustees (Incorporation) Ordinance, 1951. I/We desire to be regulated in the manner set out in the subjoined particulars and in the documents attached.

Dated, 19.....

.....
.....
.....

*Signatures of all applicants being the
Trustees of the proposed corporate body.*

PARTICULARS

(It is unnecessary to set out below any particulars contained in any printed book of rules, instrument or document attached.)

1. The objects of the proposed corporate body are
.....
2. A copy of the rules of the (state name of body or association)
..... is attached (if none submitted so state)
.....
3. Copies of the following instruments or documents are attached (state nature,
setting out date and parties thereto) (if none submitted
so state)
4. It is desired to acquire the following (interest in) land; (give particulars of situation,
title, reference and area; and state if already held on behalf of the body or association)
.....
.....
5. The number of trustees of the proposed corporation is
6. The names, addresses and occupations of the trustees are (in full in block letters)
.....
7. The trustees have been appointed in the following manner:- (certified copy of the
minute relating to any resolution of any meeting, with full particulars thereof to be
attached)
8. The proposed qualification of future trustees is

9. It is proposed that the trustees shall hold office for (state period)
.....
10. Any trustee may avoid his office (in the following circumstances)
.....
.....
11. Any trustee may be removed from his office (in the following circumstances)
.....
.....
12. The proposed mode of appointing new trustees is
.....
13. The proposed name of the corporate body is the registered trustees of
.....
14. The common seal shall be kept (state where and by whom)
.....
15. The common seal shall be affixed in the presence of (state number of trustees)
..... and the (specify any officer of the corporate body)
..... who will attest the affixing.
16. The proposed device of the common seal is as below:-

FORM II
COLONY OF NORTH BORNEO
THE TRUSTEES (INCORPORATION) ORDINANCE, 1951
CERTIFICATE OF INCORPORATION

I hereby certify that * and
..... have on the day of,
19.... have granted a certificate of incorporation under the Trustees (Incorporation)
Ordinance, 1951, subject to the provisions of the Ordinance and any conditions
endorsed on the reverse of this certificate and have been incorporated under the name
of with a common seal as endorsed on the reverse of this
certificate.

Given under my hand at Jesselton, this day of
19.....

Chief Secretary.

(On the reverse of the form)

Conditions

COMMON SEAL

*Change of Trustees**

Date

*Signature of
Chief Secretary.*

1. in place of
2. " " "
3. " " "

* Full name and description of trustees by name or office must be given.

SECOND SCHEDULE
FEES

- | | | | | |
|--|-------|-------|-------|---------|
| (1) Upon submission of an application for a certificate of incorporation (to include notice in the <i>Gazette</i>) | ..... | ..... | ... | \$10.00 |
| (2) Upon issue of a certificate of incorporation | ..... | ..... | ..... | 10.00 |
| | | | | |
| (3) Upon endorsement of a certificate of incorporation with an order | | | | |
| (a) under section 13 (1) (a) and (b) of the Ordinance | ..... |  |  | 10.00 |
| | | | | |
| (b) under section 13 (3) of the Ordinance | ..... | ..... | ..... | Nil. |
| | | | | |
| (4) For a certified copy of an application, certificate or document filed in the record kept by the Administrator-General for every folio of 72 words or part of a folio | ..... | ..... | ..... | 1.00 |

Dated at Jesselton, this 20th day of July, 1955.

By command,

B. J. O'BRIEN,
Chief Secretary.