

# *The Mutual Medical and Hospital Benefit Associations Act*

*being*

Chapter M-39 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan*, 1989-90, c.54; 1997, c.12; 1998, c.40; 2000, c.L-5.1; 2002, c.R-8.2; and 2006, c.25.

## **NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**

## Table of Contents

	SHORT TITLE		MEMBERSHIP AND MEETINGS
1	Short title	26	Minimum membership
	INTERPRETATION	27	Register of members
2	Interpretation	28	Effect of expulsion or withdrawal
	REGISTRAR	29	Annual and special meetings
3	Appointment of registrar	30	Voting
	INCORPORATION		FISCAL YEAR
4	Petition	31	Fiscal year
5	Certificate of incorporation		ASSESSMENTS
6	Effect of certificate	32	Notice of assessment
	NAME	33	Failure to pay assessment
7	Name of association	34	Continued liability on withdrawal or expulsion of members
8	Change of name	35	Certificate of secretary
9	Use of words "community clinic"	36	Refunds of certain assessments paid to associations
	ALTERATION OF PETITION FOR INCORPORATION		RETURNS
10	Powers of association	37	Annual returns
	POWERS OF ASSOCIATION	38	Other returns
11	Agreements for certain services		INSPECTION
12	Person entitled to provide health services contracting with association	39	Inspection by registrar
13	Bylaws		DISSOLUTION
14	Other powers	40	Dissolution by consent of members
15	Borrowing powers	41	Dissolution by registrar
	ELECTION OF DIRECTORS	42	Settlements in event of dissolution
16	Number of directors	43	Disposal of reserve fund
17	Powers of directors elected at first meeting		GENERAL
18	Retirement of directors in rotation	44	Regulations
19	Annual election to fill vacancies	45	Fees
20	Appointment of officers	46	Registration under <i>The Companies Act</i> unnecessary
21	Salaries of officers	47	Non-application of <i>The Saskatchewan Insurance Act</i>
22	Return to registrar	48	Registration under <i>Co-operative Associations Act</i>
23	Eligibility of certain persons to be directors		SCHEDULE
	DUTIES AND POWERS OF DIRECTORS	Form A	Petition for Incorporation
24	General duties	Form B	Certificate of Incorporation
25	Bylaws		

## CHAPTER M-39

An Act respecting Mutual Medical and Hospital Benefit Associations.

### SHORT TITLE

#### Short title

**1** This Act may be cited as *The Mutual Medical and Hospital Benefit Associations Act*.

### INTERPRETATION

#### Interpretation

**2** In this Act:

- (a) “**association**” means an association incorporated under this Act or any former *Mutual Medical and Hospital Benefit Associations Act*;
- (b) “**hospital services**” includes services provided by a facility designated as a hospital pursuant to *The Regional Health Services Act*;
- (c) “**medical services**” includes surgical, dental, optical, optometrical and nursing services, and the furnishing of health appliances, optical and pharmaceutical supplies;
- (d) “**registrar**” means the Registrar of Mutual Medical and Hospital Benefit Associations appointed under section 3.

R.S.S. 1978, c.M-39, s.2; 2002, c.R-8.2, s.108.

### REGISTRAR

#### Appointment of registrar

**3** The Public Service Commission shall appoint a Registrar of Mutual Medical and Hospital Benefit Associations.

R.S.S. 1978, c.M-39, s.3.

### INCORPORATION

#### Petition

**4(1)** Any ten or more persons of the full age of eighteen years may present a petition (form A) to the registrar for the incorporation of a mutual medical benefit association, or a mutual hospital benefit association, or a mutual medical and hospital benefit association, for the purpose of promoting a scheme or schemes whereby medical or hospital services or medical and hospital services may be provided for its members and their dependants on a mutual benefit plan.

**c. M-39** MUTUAL MEDICAL AND HOSPITAL BENEFIT ASSOCIATIONS

- (2) The petition shall set forth:
- (a) the intended name of the association;
  - (b) the object of the association;
  - (c) the situation of its place of business;
  - (d) the district in which it will operate;
  - (e) the names and addresses of those who are to be the first officers of the association;

and may contain such other information as the petitioners deem advisable.

- (3) The petition shall be dated and shall be signed by each petitioner in the presence of a witness, who shall add his occupation and address. An affidavit verifying the signature shall be attached to the petition.

R.S.S. 1978, c.M-39, s.4.

**Certificate of incorporation**

- 5** If upon receipt of a petition the registrar finds it in order and is satisfied that there is no reason against incorporation, he shall, upon payment of the prescribed fee, issue a certificate of incorporation (form B).

R.S.S. 1978, c.M-39, s.5.

**Effect of certificate**

- 6** Upon the issue of a certificate of incorporation the petitioners and such other persons as may thereafter become members of the association shall become and be a body corporate and politic under its registered name, and the certificate shall be conclusive evidence of incorporation.

R.S.S. 1978, c.M-39, s.6.

## NAME

**Name of association**

- 7(1)** Subject to subsections (2) and (3) each association shall become incorporated under a name approved by the registrar and each name shall include the words "Association" and "Limited".

- (2) No association shall be incorporated under a name identical with that by which any other association is incorporated or so nearly resembling the same as to be likely to deceive.

- (3) No association shall be registered whose name includes any of the following words: "Imperial", "Crown", "King's", "Queen's", "Royal", "Dominion", "Saskatchewan", or words of similar import.

R.S.S. 1978, c.M-39, s.7.

**Change of name**

8(1) An association may, by resolution and with the approval of the registrar, change its name.

(2) Such resolution shall be approved by at least two-thirds of the members in attendance at a general meeting after at least fourteen days' notice has been given to each member of the association notifying him of the time and place of the meeting and specifying the intention to propose a resolution to change the name of the association.

(3) An association desirous of changing its name shall give notice in *The Saskatchewan Gazette* and in a newspaper published or circulated in the locality in which the association is operating, at least one month prior to the holding of the meeting, stating the intention of the association to change its name and the name that the association intends to adopt.

(4) The registrar, upon being satisfied that the association is in a solvent condition, that the change of name is not objectionable, that it has been sanctioned by the required resolution of the association and that the required notices have been given, shall issue a certificate to the association stating the change in name and shall publish a notice of the change of name in the *Gazette*.

(5) The change of name shall not affect any rights or obligations of the association, or render defective any legal proceedings by or against the association, and any legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

(6) An association may apply to the Registrar of Titles to register a change of name against affected titles and interests.

(6.1) An application pursuant to subsection (6) must be accompanied by a certificate of the registrar showing the former name and the new name of the association.

R.S.S. 1978, c.M-39, s.8; 2000, c.L-5.1, s.354.

**Use of words "community clinic"**

9(1) A person, who, alone or jointly with others, is in charge of premises in which the services of a physician or other services related to the services of a physician are provided shall not include in the name of the premises the words "community clinic" or otherwise refer to the premises as a "community clinic" unless the premises are operated by an association incorporated under this Act or any other *Mutual Medical and Hospital Benefit Associations Act* or by an association incorporated under *The Co-operative Associations Act* of the kind mentioned in subsection (2) of section 12.

(2) A person who violates the provisions of subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.

R.S.S. 1978, c.M-39, s.9.

**c. M-39** MUTUAL MEDICAL AND HOSPITAL BENEFIT ASSOCIATIONS

## ALTERATION OF PETITION FOR INCORPORATION

**Powers of association**

**10(1)** An association heretofore or hereafter incorporated has, in addition to the power conferred upon it by section 8 to change its name, the power:

- (a) to change any other part of its petition for incorporation; and
- (b) to add any provision to its petition for incorporation.

(2) A change of or addition to the petition for incorporation shall be made by a resolution of the association approved by at least two thirds of the members in attendance at a general meeting after at least fourteen days' notice has been given to each member of the association notifying him of the time and place of the meeting and of the intention to propose the resolution.

(3) No such resolution shall take effect until a copy of the resolution, certified by the president and secretary of the association to be a true copy, has been filed with the registrar and approved by him.

(4) The registrar shall, upon being satisfied that the resolution is not objectionable and that subsection (2) has been complied with, issue a certificate approving the change or addition, or the change and addition, provided for in the resolution and forward the certificate to the association.

R.S.S. 1978, c.M-39, s.9.

## POWERS OF ASSOCIATION

**Agreements for certain services**

**11(1)** Notwithstanding anything in this Act or in the objects of an association, an association may:

- (a) enter into agreements with duly qualified medical practitioners, dentists and other qualified persons for payment for the provision of services by such persons to the members of the association and other persons;
- (b) provide medical and hospital services to the members of the association and other persons and employ persons and purchase, lease or otherwise acquire equipment, materials and supplies for the provision of those services to members of the association and other persons ancillary to the services provided by the persons with whom agreements have been entered into under clause (a);
- (c) operate a pharmacy and employ a pharmacist to manage the pharmacy.

## MUTUAL MEDICAL AND HOSPITAL BENEFIT ASSOCIATIONS c. M-39

(2) Where the services received by the members of an association and other persons are provided pursuant to an agreement entered into under clause (a) of subsection (1) or are provided by the association pursuant to clause (b) of subsection (1), the association may:

- (a) receive payment in respect of such services from the Saskatchewan Medical Care Insurance Commission if the services are insured services under *The Saskatchewan Medical Care Insurance Act*, from the Minister of Health if the services are services for which payment may be made by the minister pursuant to *The Department of Health Act* or from any other person or body required to make payment in respect of such services, and finance the provision of those services from such payments; or
- (b) finance the provision of those services or any of them from the sums assessed, levied and collected pursuant to a bylaw under clause (b) of section 14.

R.S.S. 1978, c.M-39, s.11; 1997, c.12, s.7.

**Person entitled to provide health services contracting with association**

**12(1)** Notwithstanding the provisions of any other Act or the bylaws or regulations made under any other Act, a person who is lawfully entitled to provide certain health services in Saskatchewan may enter into a contract of employment or other agreement with an association for the provision of those services to the members of the association and other persons residing in the locality, and that person shall be deemed not to have been guilty of unbecoming, improper or unprofessional conduct and not to have violated any code of professional ethics by reason only of having entered into such a contract of employment or other agreement and having provided services thereunder.

(2) Wherever the expression “association” is mentioned in subsection (1), the expression shall be deemed to include an association incorporated under *The Co-operative Associations Act* and having as its objects:

- (a) the establishment, maintenance and operation of facilities for group medical practice of general practitioners and specialists;
- (b) the establishment, maintenance and operation of facilities for counselling services conducive to the prevention of ill health, correlated with curative services; and
- (c) the encouragement of and the provision of financial assistance for medical research in the community;

or having objects substantially similar thereto.

R.S.S. 1978, c.M-39, s.12.

**Bylaws**

**13(1)** An association may pass such bylaws, not inconsistent with this Act or the regulations, as it deems advisable for the proper conduct of its affairs.

(2) No bylaws or amendments thereto shall be effective until approved by the registrar.

R.S.S. 1978, c.M-39, s.13.

**c. M-39** MUTUAL MEDICAL AND HOSPITAL BENEFIT ASSOCIATIONS**Other powers**

- 14** Subject to the provisions of this Act and the regulations, an association may:
- (a) charge an entrance fee to members, not exceeding that authorized by its bylaws, which may be used for payment of the organization expenses of the association and for any other purpose mentioned in its bylaws;
  - (b) assess, levy and collect from its members such sums as may be required for the performance of any agreement made under section 11, and to meet other expenses incidental to its operations;
  - (c) make provision for a reserve fund for any purpose set forth in its bylaws;
  - (d) purchase, take on lease or in exchange, hire or otherwise acquire and hold any real or personal property in Saskatchewan that the association may deem necessary or convenient for the purpose of its business, and sell, mortgage, lease or otherwise dispose of such property;
  - (e) subject to the approval of the registrar, take or otherwise acquire and hold shares, stock, debentures or other securities of any company, association or society incorporated by or under any Act of Saskatchewan, having objects wholly or in part similar to those of the association and sell or otherwise deal with the same;
  - (f) enter into any agreement for co-operation, joint adventure, reciprocal concession or otherwise with any other association, or with any person, company or co-operative association having objects wholly or in part similar to those of the association or engaged in any business or enterprise capable of being conducted so as directly or indirectly to benefit the association;
  - (g) enter into any arrangements with any government or any authority, municipal, local or other, that may seem beneficial to the association, and obtain from such government or authority any rights, privileges and concessions that the association may think it desirable to obtain, and carry out, exercise and comply with such arrangements, rights, privileges and concessions;
  - (h) make investments in the manner authorized by section 3 of *The Trustee Act*;
  - (i) subscribe or guarantee money for charitable or benevolent objects or for any exhibition or for any public, general or useful object;
  - (j) carry on, encourage and assist educational and advisory work relating to co-operation;
  - (k) subject to the approval of the registrar, enlarge the area of its operations by establishment of branches or other means;
  - (l) employ or make agreements with persons qualified to provide services necessary for the purpose of carrying out its objects;
  - (m) perform and do all other acts necessary for the purpose of carrying out its objects.

**Borrowing powers**

**15** In addition to the powers conferred by section 14, an association may:

- (a) borrow money from its members or from a chartered bank, a credit union incorporated under any *Credit Union Act*, Saskatchewan Co-operative Credit Society Limited or any co-operative trust or loan company incorporated under any Act of the Legislature; and
- (b) mortgage, pledge, hypothecate or otherwise deal with any of its assets, or any documents evidencing title thereto, as security for the repayment of any sum borrowed under clause (a), on such terms and conditions as the directors may by resolution from time to time determine.

R.S.S. 1978, c.M-39, s.15.

**ELECTION OF DIRECTORS****Number of directors**

**16(1)** The affairs of the association shall be managed by a board of directors which shall consist of six, nine, twelve or fifteen members, as determined by resolution passed at the first general meeting of the association, all of whom shall be members of the association in good standing.

(2) The number of directors may from time to time be increased or decreased if so determined at a special general meeting of the association called for the purpose, or at an annual general meeting if notice in writing of the intention to propose an amendment to the bylaws for that purpose is given to the secretary of the association at least one month before the holding of the meeting; but the increased or decreased number of directors shall in every case be six, nine, twelve or fifteen.

R.S.S. 1978, c.M-39, s.16.

**Powers of directors elected at first meeting**

**17** The directors elected at the first general meeting of the association shall hold office and enjoy all the powers exercised by the directors elected as hereinafter provided until replaced or re-elected at the first annual meeting of the association.

R.S.S. 1978, c.M-39, s.17.

**Retirement of directors in rotation**

**18** One-third of the directors shall retire annually in rotation, and at the first meeting of the directors, or as soon thereafter as possible, it shall be determined by lot which of them shall hold office for one, two or three years respectively, and the determination shall be entered in the minutes of the meeting.

R.S.S. 1978, c.M-39, s.18.

**Annual election to fill vacancies**

**19** At every annual general meeting thereafter, one-third of the total number of directors shall be elected for a period of three years, to fill the places of the retiring directors, who shall be eligible for re-election.

R.S.S. 1978, c.M-39, s.19.

**c. M-39** MUTUAL MEDICAL AND HOSPITAL BENEFIT ASSOCIATIONS**Appointment of officers**

**20** At their first meeting, which shall be held within ten days after their election, the directors shall choose from their own number a president and a vice-president, and shall appoint a secretary and a treasurer or a secretary treasurer, who may be, but need not be, a director.

R.S.S. 1978, c.M-39, s.20.

**Salaries of officers**

**21** No director shall, as such, receive remuneration, but the secretary and treasurer or secretary treasurer may be paid such salaries or salary as the directors may determine.

R.S.S. 1978, c.M-39, s.21.

**Return to registrar**

**22** A record of the names and addresses of the directors and of the officers shall be filed with the registrar within ten days after their election or appointment.

R.S.S. 1978, c.M-39, s.22.

**Eligibility of certain persons to be directors**

**23(1)** Subject to subsection (2), a duly qualified medical practitioner, dentist or other qualified person with whom the association has entered into a subsisting agreement under section 11 is eligible to be a director of the association but, at any meeting of the board of directors, that person may not vote in connection with any matter directly related to the agreement between the association and himself.

(2) The total number of members of the board of directors of an association who have entered into a subsisting agreement under section 11 shall not at any time be such as to constitute one-third or more of the members of the board of directors of the association.

R.S.S. 1978, c.M-39, s.23.

## DUTIES AND POWERS OF DIRECTORS

**General duties**

**24** The directors shall have the general management of the affairs of the association and in particular shall, subject to the bylaws:

- (a) act on applications for membership and on the expulsion of members;
- (b) determine the entrance fee and the amount of contributions from members and the method of payment;
- (c) appoint such officers or agents as the operation of the association may necessitate, define their powers and duties and fix their remuneration and the form and amount of security to be furnished by any of them;
- (d) make recommendations to a general meeting of the association respecting the disposal of moneys in the reserve fund and other surplus moneys;

MUTUAL MEDICAL AND HOSPITAL BENEFIT ASSOCIATIONS **c. M-39**

- (e) fill vacancies in the board of directors until the next annual meeting and successors are chosen;
- (f) perform such other duties as are required by this Act and by the bylaws of the association.

R.S.S. 1978, c.M-39, s.24.

**Bylaws**

**25**(1) The directors may pass bylaws, not inconsistent with this Act, any regulations made thereunder or the bylaws of the association, respecting the funds and property of the association, the duties of the officers and agents thereof, the effectual carrying out of its objects, the holding of annual and other meetings and all other matters appertaining to the operation of the association, and may repeal or amend such bylaws.

(2) Every bylaw and every repeal or amendment thereof shall, unless in the meantime confirmed at a general meeting of the association duly called for the purpose, be effective only until the next annual meeting of the association, and shall, in default of confirmation thereat, cease to have any effect.

(3) A copy of every bylaw, certified by the secretary to be a true copy, shall be filed with the registrar within 10 days after the passing thereof.

(4) A bylaw or amendment thereof confirmed under subsection (2) shall be deemed to have been passed by the association under the authority of subsection (1) of section 13 and subsection (2) of that section shall apply.

R.S.S. 1978, c.M-39, s.25.

## MEMBERSHIP AND MEETINGS

**Minimum membership**

**26** Every association shall have a membership of at least ten.

R.S.S. 1978, c.M-39, s.26.

**Register of members**

**27** A register, or list of members, shall be kept by every association, and shall show and be *prima facie* evidence of:

- (a) the names, addresses and occupations of the members and such other information as the registrar may deem advisable;
- (b) the date on which each member was registered;
- (c) the date on which any member ceased to be a member.

R.S.S. 1978, c.M-39, s.27.

**Effect of expulsion or withdrawal**

**28** A member who is expelled or withdraws shall have no further rights in the association.

R.S.S. 1978, c.M-39, s.28.

**c. M-39** MUTUAL MEDICAL AND HOSPITAL BENEFIT ASSOCIATIONS

**Annual and special meetings**

**29(1)** The annual meeting shall be held before the end of April or, subject to the approval of the registrar, before such later time as may be designated by resolution of the association stating the reason for the resolution.

(2) Special meetings may be called in the manner provided by the bylaws of the association.

R.S.S. 1978, c.M-39, s.29.

**Voting**

**30** No member shall have more than one vote at any meeting, and no member may vote by proxy.

R.S.S. 1978, c.M-39, s.30.

**FISCAL YEAR**

**Fiscal year**

**31(1)** The fiscal year of an association shall end on the thirty-first day of December.

(2) Notwithstanding subsection (1), an association may, by resolution approved by the registrar, provide that its fiscal year shall end on a date to be designated in the resolution, which shall be the last day of January or the last day of February or the last day of March.

R.S.S. 1978, c.M-39, s.31.

**ASSESSMENTS**

**Notice of assessment**

**32** Notice of every assessment, stating therein the date on which the assessment is payable, shall be mailed to each member, at the address shown in the register or list of members.

R.S.S. 1978, c.M-39, s.32.

**Failure to pay assessment**

**33** If, after thirty days after an assessment becomes payable, a member refuses or neglects to pay the assessment, the association may sue for and recover the assessment with costs of suit, and such proceeding shall not be a waiver of any forfeiture incurred by the non-payment.

R.S.S. 1978, c.M-39, s.33.

**Continued liability on withdrawal or expulsion of members**

**34** If a member withdraws from the association or is expelled he shall nevertheless continue to be liable for any unpaid assessment and shall also be liable for any further assessment that the directors may make upon him relating to the period since the date of the last assessment on all members.

R.S.S. 1978, c.M-39, s.34.

## MUTUAL MEDICAL AND HOSPITAL BENEFIT ASSOCIATIONS c. M-39

**Certificate of secretary**

**35** Where action is brought to recover an assessment, the certificate of the secretary of the association, specifying the assessment and the amount due in respect of the assessment, shall be *prima facie* evidence thereof in any court.

R.S.S. 1978, c.M-39, s.35.

**Refunds of certain assessments paid to associations**

**36(1)** Where an assessment relating to the provision of services that are insured services under *The Saskatchewan Medical Care Insurance Act* has been paid by a member of an association to the association and the sum paid, or a portion thereof, is applicable to a period immediately following the day fixed by the Lieutenant Governor in Council under subsection (1) of section 18, of *The Saskatchewan Medical Care Insurance Act*, the association, upon the request of that member, shall, subject to subsection (2), refund to him the sum paid by him or the portion thereof applicable to that period.

(2) Where a request for a refund pursuant to subsection (1) is not made until after the day fixed by the Lieutenant Governor in Council under subsection (1) of section 18 of *The Saskatchewan Medical Care Insurance Act*, the amount of the refund shall be the amount applicable to the period commencing on the first day of the month immediately following the month in which the request for a refund was made and ending on the last day of the period in respect of which the assessment was paid.

R.S.S. 1978, c.M-39, s.36.

## RETURNS

**Annual returns**

**37** Every association shall:

(a) within ninety days after the close of the fiscal year send to the registrar a statement, certified by a member in good standing of a recognized accounting profession that is regulated by an Act, showing the condition of affairs of the association as at the end of the fiscal year, which statement shall be in the form prescribed by the registrar and shall exhibit the assets, liabilities, receipts and expenditures of the association for the fiscal year and such other information as the registrar may require, and such statement shall be verified in the manner prescribed by the registrar.

(b) supply gratuitously to every member, on his application, a copy of the last annual return.

R.S.S. 1978, c.M-39, s.37; 2006, c.25, s.6.

**Other returns**

**38** Every association shall furnish the registrar with such information as he may require.

R.S.S. 1978, c.M-39, s.38.

**c. M-39** MUTUAL MEDICAL AND HOSPITAL BENEFIT ASSOCIATIONS

INSPECTION

**Inspection by registrar**

**39** The affairs of every association may be examined annually or at other times by or under the direction of the registrar, and the association shall produce all books, documents and other papers required by the person conducting the examination.

R.S.S. 1978, c.M-39, s.39.

DISSOLUTION

**Dissolution by consent of members**

**40(1)** An association may be dissolved by resolution passed by a three-fourths vote of the members present at a duly constituted meeting called to consider dissolution, and testified by their signatures to an instrument of dissolution.

(2) No resolution shall have any effect unless:

(a) a notice of the meeting, stating its purpose, has been published once a week for four weeks in a newspaper circulating in the district in which the head office of the association is situated;

(b) the registrar is satisfied, by statutory declaration or otherwise, that a notice of the meeting, stating its purpose, has been mailed to each member of the association at least four weeks before the date of the meeting.

(3) The instrument of dissolution shall set forth in detail the assets and liabilities of the association, the number of members, and the nature of their respective interests in the association, the claims of creditors, if any, and the provision to be made for their payment, and the intended appropriation or division of the funds or property of the association unless the same is stated in the instrument of dissolution to be left to the award of the registrar.

(4) Where the appropriation or division of the funds or property of the association is not left to the award of the registrar, no appropriation or division shall have any effect unless previously approved by the registrar, and approval or disapproval shall be in the discretion of the registrar.

(5) A statutory declaration shall be made by the president and secretary of the association that the provisions of this Act have been complied with and shall be sent to the registrar with the instrument of dissolution.

(6) The registrar shall cause a notice of the dissolution to be advertised, at the expense of the association, in the *Gazette* and in a newspaper circulating in the district in which the head office of the association is situated.

R.S.S. 1978, c.M-39, s.40.

**Dissolution by registrar**

**41(1)** Subject to the approval of the Lieutenant Governor in Council, the registrar may by order dissolve an association if satisfied that:

(a) the incorporation of the association was obtained by fraud or mistake; or

(b) the number of members has been reduced to less than ten; or

MUTUAL MEDICAL AND HOSPITAL BENEFIT ASSOCIATIONS **c. M-39**

- (c) the association is not in operation; or
  - (d) the association has wilfully, after notice by the registrar, violated any of the provisions of this Act or the regulations.
- (2) The registrar shall give the association not less than two months' notice of the proposed dissolution, specifying the reason therefor and stating that, unless cause is shown to the contrary within the said period, the name of the association will be struck off the register and the association dissolved.
- (3) At the expiration of the time mentioned in the notice the registrar may, unless cause to the contrary is previously shown by the association, strike the name of the association off the register, and in such case he shall publish notice thereof in the Gazette, whereupon the association shall be dissolved.

R.S.S. 1978, c.M-39, s.41.

**Settlements in event of dissolution**

**42** In case of a dissolution the association shall nevertheless be considered as subsisting and be in all respects subject to this Act, so long and so far as any matter relating to the association remains unsettled, to the intent that the association may do all things necessary to the winding up of its affairs.

R.S.S. 1978, c.M-39, s.42.

**Disposal of reserve fund**

**43** The reserve fund and other surplus money shall be the property of the association as a whole and no member shall have a right to claim a share or interest therein in respect of a payment by him, but in the event of the association being dissolved and its affairs wound up, leaving an existing reserve fund or other surplus money, the then members shall be entitled to divide the same among themselves in equal amounts.

R.S.S. 1978, c.M-39, s.43.

## GENERAL

**Regulations**

**44** The Lieutenant Governor in Council may make regulations governing all associations.

R.S.S. 1978, c.M-39, s.44.

**Fees**

**45(1)** The Lieutenant Governor in Council may prescribe by regulation the fees payable to the registrar for services under this Act.

(2) All fees received by the registrar shall be paid into and form part of the consolidated fund.

R.S.S. 1978, c.M-39, s.45; 1989-90, c.54, s.7.

**Registration under *The Companies Act* unnecessary**

**c. M-39** MUTUAL MEDICAL AND HOSPITAL BENEFIT ASSOCIATIONS

**46** An association shall not be required to comply with the provisions of *The Companies Act* respecting registration and licensing, but shall nevertheless be capable of contracting and being contracted with, suing and being sued, of pleading and being impleaded in any court.

R.S.S. 1978, c.M-39, s.46.

**Non-application of *The Saskatchewan Insurance Act***

**47** Nothing in *The Saskatchewan Insurance Act* applies to an association.

R.S.S. 1978, c.M-39, s.47.

**Registration under *Co-operative Associations Act***

**48** Notwithstanding anything contained herein, section 132 of *The Co-operative Associations Act* applies to an association.

R.S.S. 1978, c.M-39, s.48.

SCHEDULE

FORM A  
[Section 4]

*The Mutual Medical and Hospital Benefit Associations Act*

PETITION FOR INCORPORATION

1 We, \_\_\_\_\_,  
(state full names, addresses and occupations of petitioners)  
seek incorporation under *The Mutual Medical and Hospital Benefit Associations Act*.

2 The corporation name of the proposed association is to be \_\_\_\_\_  
Association, Limited.

3 The object of the proposed association is \_\_\_\_\_.

4 The place of business of the proposed association, to be the registered office thereof, is at \_\_\_\_\_.

5 The district in which the proposed association will operate is \_\_\_\_\_.  
(state municipalities or portions of municipalities, or as the case may be)

6 The first officers of the proposed association are to be \_\_\_\_\_.  
(state names and addresses)

7 Each of the undersigned is of the full age of eighteen years.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Signatures of Witnesses:

Signatures of Petitioners:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**FORM B**  
[Section 5]

*The Mutual Medical and Hospital Benefit Associations Act*

CERTIFICATE OF INCORPORATION

The \_\_\_\_\_ Association, Limited, is hereby incorporated  
under *The Mutual Medical and Hospital Benefit Associations Act*, this \_\_\_\_\_ day  
of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_  
*(Registrar of Mutual Medical and  
Hospital Benefit Associations)*

R.S.S. 1978, c.M-39, Schedule.

