



Co-operative and Community Benefit Societies Act (Northern Ireland) 1969

1969 CHAPTER 24

PART II

REGISTERED SOCIETIES

ACCOUNTS, ETC.

38 Obligation to appoint auditors.

- (1) Subject to the following provisions of this section^{F1} and section 38A(1), every registered society shall in each year of account ^{F2}... appoint a qualified auditor or qualified auditors to audit its accounts and balance sheet for that year.
- (2) Subsection (1) shall not apply to any registered society if—
 - (a) the receipts and payments of that society in respect of the preceding year of account when added together did not exceed five thousand pounds;
 - (b) the number of its members at the end of that year did not exceed five hundred; and
 - (c) the value of its assets at the end of that year did not in the aggregate exceed five thousand pounds.
- (3) A registered society to which, by virtue of subsection (2), subsection (1) does not apply in respect of any year of account is in this Act referred to as an exempt society in respect of that year of account.
- (4) Subject to any direction given by the registrar under subsection (5), every society which is an exempt society in respect of the current year of account shall in that year appoint at its option either—
 - (a) a qualified auditor or qualified auditors, or
 - (b) two or more persons who are not qualified auditors,to audit its accounts and balance sheet for that year.

Changes to legislation: There are currently no known outstanding effects for the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969, Section 38. (See end of Document for details)

- (5) The registrar may give a direction in the case of any particular society which is an exempt society in respect of the current year of account requiring it to appoint a qualified auditor to audit its accounts and balance sheet for that year.
- (6) The registrar may give a direction in the case of any particular society which was an exempt society in respect of any year of account before the year of account in which that direction is given and did not appoint a qualified auditor or qualified auditors to audit its accounts and balance sheet for that year—
- (a) requiring it to appoint a qualified auditor to audit those accounts and that balance sheet, and
 - (b) in a case where that society has sent to [^{F3}the registrar] its annual return for that year before the date of the direction, requiring it after its accounts and balance sheet have been audited by a qualified auditor to send to [^{F3}the registrar] within three months from receipt of the direction a further annual return complying with the requirements of this Act (other than that as to time of sending).
- (7) Regulations made by ^{F4}... the [^{F5}Department] may—
- (a) substitute for any sum or number for the time being specified in subsection (2) such sum or number as may be specified in the regulations; and
 - (b) prescribe what receipts and payments of a society shall be taken into account for the purposes of that subsection.

F1 1997 NI 22

F2 Words in s. 38(1) omitted (23.4.2016) by virtue of [Credit Unions and Co-operative and Community Benefit Societies Act \(Northern Ireland\) 2016 \(c. 16\)](#), s. 17(1), **Sch. 1 para. 49**

F3 Words in s. 38(6)(b) substituted (6.4.2018 immediately after 2016 c. 16 (N.I.), s. 8(2) comes into force) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2018 \(S.I. 2018/323\)](#), art. 1, **Sch. 2 para. 10(a)** (with art. 3)

F4 Words in s. 38(7) omitted (6.4.2018 immediately after 2016 c. 16 (N.I.), s. 8(2) comes into force) by virtue of [The Financial Services Act 2012 \(Mutual Societies\) Order 2018 \(S.I. 2018/323\)](#), art. 1, **Sch. 2 para. 10(b)** (with art. 3)

F5 Word in Act substituted (23.4.2016) by [Credit Unions and Co-operative and Community Benefit Societies Act \(Northern Ireland\) 2016 \(c. 16\)](#), 17(1) **Sch. 1 para. 46**

Changes to legislation:

There are currently no known outstanding effects for the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969, Section 38.