
STATUTORY INSTRUMENTS

1985 No. 1205

The Credit Unions (Northern Ireland) Order 1985

Disputes, offences and legal proceedings

Decision of disputes

72.—(1) Subject to paragraphs [^{F1}[^{F2}(3A)], (4), (5) and (7)], every dispute between a credit union or an officer of a credit union and—

- (a) a member of the credit union; or
- (b) any person aggrieved who has ceased to be a member of the credit union not more than 6 months previously; or
- (c) any person claiming through a member of the credit union or any such person aggrieved; or
- (d) any person claiming under the rules of the credit union,

shall, if the credit union's rules give directions as to the manner in which such disputes are to be decided, be decided in that manner.

[^{F3}(1A) Where an individual is, or has been, a corporate member of a credit union, the reference in paragraph (1)(c) to any person “claiming through” that individual includes any partner of the partnership or (as the case may be) any member of the unincorporated association in question.]

^{F4}(2)

(3) A decision made under paragraph (1) ^{F5}... on any dispute shall be binding and conclusive on all parties without appeal; and—

- (a) the decision shall not be removable into any court of law or restrainable by injunction; and
- (b) application for the enforcement of the decision may be made to the county court.

[^{F6}(3A) Any dispute which would, under the rules of a registered society, fall to be determined by the FCA is to be referred to the county court for determination.]

(4) Subject to paragraph (5), any dispute directed by the rules of a credit union to be referred to a court shall be determined by a court of summary jurisdiction.

(5) Where, whether by virtue of paragraph (4) or otherwise, a dispute is cognisable under the rules of a credit union by a court of summary jurisdiction, the parties to the dispute may by agreement refer the dispute to the county court, which may hear and determine it.

(6) Where the rules of a credit union contain no direction as to disputes, or where no decision is made on a dispute within 40 days after application to the credit union for a reference under its rules, any person such as is mentioned in paragraph (1)(a) to (d) who is a party to the dispute may apply either to the county court or to a court of summary jurisdiction, which may hear and determine the matter in dispute.

(7) ^{F7}For the purposes of the hearing or determination of a dispute under this Article. . .

- [^{F8}(a) the county court may order the expenses of the hearing or determination to be paid out of the funds of the credit union or by such parties to the dispute as the court considers appropriate;]

Changes to legislation: *The Credit Unions (Northern Ireland) Order 1985, Disputes, offences and legal proceedings is up to date with all changes known to be in force on or before 24 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) ^{F7} . . . a court of summary jurisdiction may grant to either party such discovery as to documents and otherwise, or such inspection of documents, being, in the case of discovery to be made on behalf of the credit union, discovery by such officer of the credit union as the ^{F7} . . . court may determine, [^{F9}as it considers necessary for the just and expeditious disposal of the dispute] under section 21(1) of and Schedule 2 to that Act of 1937.

[^{F7}(8) The court [^{F10}to which] any dispute is referred under paragraphs [^{F11}(3A)] to (6) may at the request of either party state a case on any question of law arising in the dispute for the opinion of the High Court.]

^{F12}(9)

[^{F13}(10) Nothing in this Article or in rules of a kind mentioned in paragraph (1) prevents any person from having a complaint dealt with under the ombudsman scheme.

(11) In this Article, “the ombudsman scheme” has the meaning it has in section 225(3) of the 2000 Act.]

- F1** Words in art. 72(1) substituted (31.3.2012) by [Financial Services and Markets Act 2000 \(Permissions, Transitional Provisions and Consequential Amendments\) \(Northern Ireland Credit Unions\) Order 2011 \(S.I. 2011/2832\)](#), arts. 1(2), **13(37)(a)**
- F2** Word in art. 72(1) 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. 3 para. 21(a)** (with art. 3)
- F3** Art. 72(1A) inserted (23.4.2016) by [Credit Unions and Co-operative and Community Benefit Societies Act \(Northern Ireland\) 2016 \(c. 16\)](#), s. 17, **Sch. 1 para. 10**
- F4** Art. 72(2) 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. 3 para. 21(b)** (with art. 3)
- F5** Words in art. 72(3) 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. 3 para. 21(c)** (with art. 3)
- F6** Art. 72(3A) inserted (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. 3 para. 21(d)** (with art. 3)
- F7** 1996 c. 23
- F8** Art. 72(7)(a) 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. 3 para. 21(e)(i)** (with art. 3)
- F9** Words in art. 72(7)(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. 3 para. 21(e)(ii)** (with art. 3)
- F10** Words in art. 72(8) 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. 3 para. 21(f)(i)** (with art. 3)
- F11** Word in art. 72(8) 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. 3 para. 21(f)(ii)** (with art. 3)
- F12** Art. 72(9) 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. 3 para. 21(g)** (with art. 3)
- F13** Art. 72(10)(11) inserted (31.3.2012) by [Financial Services and Markets Act 2000 \(Permissions, Transitional Provisions and Consequential Amendments\) \(Northern Ireland Credit Unions\) Order 2011 \(S.I. 2011/2832\)](#), arts. 1(2), **13(37)(c)**

Offences by credit unions

73. If any credit union, or any officer or member of a credit union, or any other person—

- (a) contravenes any provision of this Order; or
- (b) in purported compliance with a requirement under this Order, makes a return, or knowingly or recklessly gives information which is false in a material particular;

that credit union, officer, member or other person, as the case may be, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Fraud or misappropriation

74. Any person who—

- (a) obtains possession by false representation or imposition of any property of a credit union; or
- (b) having any such property in his possession, withholds or misapplies it or wilfully applies any part of it to purposes which are not authorised by the rules of the credit union or which are not in accordance with this Order;

shall be guilty of an offence and—

- (i) if it is proved that he acted with any fraudulent intent, shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale and to be ordered to deliver up that property or to repay all money improperly applied; or
- (ii) if it is not so proved, may be ordered to deliver up that property or to repay all money improperly applied.

Falsification

75. Any person who, with intent to falsify it or to evade any of the provisions of this Order, wilfully makes, or orders or allows to be made, any entry or erasure in, or omission from,—

- (a) any balance sheet of a credit union; or
- (b) any contribution or collecting book; or
- (c) any return or document required for the purposes of this Order; or
- (d) any account or balance sheet displayed under this Order,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Prosecution of offences

76.—(1) Summary proceedings for an offence under this Order shall not be instituted except by—

- (a) in the case of proceedings under Article 74,—
 - (i) the credit union; or
 - (ii) any member of that credit union authorised by the credit union or its board of directors or by the ^{F14}FCA ; or
 - (iii) the ^{F14}FCA ;
- (b) in any other case, the ^{F14}FCA or any person aggrieved.

(2) Notwithstanding Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (limitation of time for taking proceedings) summary proceedings for an offence under this Order^{F15} . . .

Changes to legislation: *The Credit Unions (Northern Ireland) Order 1985, Disputes, offences and legal proceedings is up to date with all changes known to be in force on or before 24 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

may be instituted by the [F14FCA] at any time within one year after the first discovery of the offence by the [F14FCA] , but shall not in any case be instituted after the expiration of 3 years from the commission of the offence.

- F14** Word in art. 76 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. 3 para. 2(v)** (with art. 3)
- F15** Words in art. 76(2) omitted (31.3.2012) by virtue of [Financial Services and Markets Act 2000 \(Permissions, Transitional Provisions and Consequential Amendments\) \(Northern Ireland Credit Unions\) Order 2011 \(S.I. 2011/2832\)](#), arts. 1(2), **13(38)**

Recovery of costs, etc.

77. Any costs ordered or directed by the [F16FCA] to be paid by any person under this Order shall be a debt recoverable summarily by the [F16FCA] from that person.

- F16** Word in art. 77 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. 3 para. 2(w)** (with art. 3)

Changes to legislation:

The Credit Unions (Northern Ireland) Order 1985, Disputes, offences and legal proceedings is up to date with all changes known to be in force on or before 24 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch.1 Pt.I amended by [S.I. 1996/2653 art.2\(b\)](#)
- Sch.1 Pt.I rev.in pt. by [S.I. 1996/2653 art.2\(a\)](#)
- Sch. 1 Pt. 1 words inserted by [S.I. 1996/2653 art. 2\(b\)](#)
- Sch. 1 Pt. 1 words omitted by [S.I. 1996/2653 art. 2\(a\)](#)