

STATUTORY INSTRUMENTS

1985 No. 1205

The Credit Unions (Northern Ireland) Order 1985

Miscellaneous and general

Regulations and orders

^{F1}78.

F1 Art. 78 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. 22** (with art. 3)

[^{F2}Incidental, transitional, etc. provision

78A An order under any of the following may contain such incidental, transitional, transitory or saving provision as the Department considers appropriate—

- (a) Article 14A(7) (alteration of maximum proportion of corporate members);
- (b) Article 23A(4) (alteration of threshold amount required for credit union to issue or retain interest-bearing shares);
- (c) Article 28(1B) (alteration of maximum proportion of loan book which may be made to corporate members).]

F2 Art. 78A 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. 44**

Fees

^{F3}79.

F3 Art. 79 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. 23** (with art. 3)

Form, deposit and evidence of documents

80.—(1) Without prejudice to Article 49(2)(a) and (b) ^{F4}..., every return and other document required for the purposes of this Order—

- (a) shall be made in such form, and
- (b) shall contain such particulars, and
- (c) shall be deposited and registered or recorded, with or without observations on the return or other document, in such manner,

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as the [^{F5}FCA] may direct.

(2) ^{F6}... every document purporting to be signed by any inspector under this Order shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.

[^{F7}(3) A document bearing the FCA's seal, including any document purporting to be a copy or extract of a credit union's rules or of any other instrument or document, is to be received in evidence without further proof.]

- F4** Words in art. 80(1) 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. 24(a)** (with art. 3)
- F5** Word in art. 80(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. 2(x)** (with art. 3)
- F6** Words in art. 80(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. 24(b)** (with art. 3)
- F7** Art. 80(3) 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. 24(c)** (with art. 3)

[^{F8}Form etc of electronic documents

80A.—(1) A document or information required for the purposes of this Order, must, if sent in electronic form, be sent in a form, and by a means, that the sender reasonably considers will enable the recipient to read it and retain a copy of it.

(2) For the purposes of this Article, a document or information can be read only if—

- (a) it can be read with the naked eye; or
- (b) to the extent that it consists of images (for example photographs, pictures, maps, plans or drawings), it can be seen with the naked eye.

- F8** Arts. 80A-80C 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. 25** (with art. 3)

Power of FCA or PRA to impose requirements as to form etc of electronic documents

80B.—(1) The FCA or PRA (“the authority”) may impose requirements as to the form, authentication and manner of delivery of documents sent electronically to it under this Order.

(2) As regards authentication, the authority may—

- (a) require the document to be authenticated by a particular person or a person of a particular description;
- (b) specify the means of authentication;
- (c) require the document to contain or be accompanied by the name or registered number of the society to which it relates (or both).

(3) As regards the manner of delivery, the authority may specify requirements as to the hardware and software to be used, and technical specifications (for example, matters relating to protocol, security, anti-virus protection or encryption).

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(4) The power conferred by this Article does not authorise the authority to require documents to be delivered electronically.

(5) Requirements imposed under this Article must not be inconsistent with requirements imposed by this Order or any other enactment with respect to the form, authentication and delivery of the document concerned.

(6) In this Article, a document is sent electronically if it is sent by electronic means or in electronic form.

F8 Arts. 80A-80C 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. 25** (with art. 3)

Fees for inspection and copying of documents

80C. The FCA or PRA may charge a person a reasonable fee before—

- (a) allowing the person to inspect a document held by it in connection with this Order; or
- (b) providing the person with a copy of such a document (or a copy of part of such a document).]

F8 Arts. 80A-80C 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. 25** (with art. 3)

Annual reports by registrar

^{F9}**81.**

F9 Art. 81 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. 26** (with art. 3)

Great Britain credit unions

82.—(1) Regulations may make provision for giving effect to any arrangements made under section 32(1) of the Credit Unions Act 1979, and such regulations may in particular—

- (a) confer rights and obligations (appropriate to credit unions) under this Order on Great Britain credit unions in such circumstances as may be specified in the regulations;
- (b) confer functions on the [^{F10}FCA] in relation to Great Britain credit unions; and
- (c) make such modifications of this Order and the Government of Ireland (Companies, Societies, etc.) Order 1922 as appear to the Department to give effect to the arrangements.

(2) In this Article “Great Britain credit union” means a society which is registered as a credit union under the law for the time being in force in Great Britain for purposes corresponding to those of this Order and which carries on or intends to carry on business in Northern Ireland.

F10 Word in art. 82(1)(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. 2(y)** (with art. 3)

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Savings, amendments and repeals

83.—(1) The savings in Schedule 4 shall have effect.

Para. (2)—Amendments

Para. (3)—Repeals

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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\(a\)](#)