
STATUTORY INSTRUMENTS

2011 No. 593

The Mutual Societies (Electronic Communications) Order 2011

PART 3

Friendly societies

Ballots and proxies

Electronic ballots and combined ballots

20. After paragraph 8 of Schedule 12 to the 1992 Act (postal ballots) insert—

“Electronic ballots

8A.—(1) The rules of a friendly society or registered branch may provide for the voting in an election of the committee of management or, where applicable, the secretary, or on any resolution (whether special or not) to be conducted in all, or any particular, circumstances by electronic ballot.

(2) An “electronic ballot”, in relation to such an election or resolution, means an electronic ballot taking place by virtue of those rules.

(3) A person is to be regarded as voting in an electronic ballot only if the following conditions are satisfied.

(4) The first condition is that the person—

- (a) has agreed (generally or specifically) that the society or branch may make a facility for registering a vote in the ballot available on a website, and
- (b) has not revoked that agreement.

(5) The second condition is that the society or branch has notified the person of—

- (a) the presence of the facility on the website;
- (b) the address of the website;
- (c) the place on the website where the facility may be accessed; and
- (d) how to access the facility.

(6) The third condition is that the facility is present on the website for the whole of the period—

- (a) beginning with the day on which the notification under sub-paragraph (5) is given, and
- (b) ending at the time which the society or branch specifies in the notice of the ballot as the final time for the registration of votes in the ballot.

(7) The fourth condition is that the person registers a vote in the ballot by using the facility.

- (8) The notification given under sub-paragraph (5) must—
- (a) state that it concerns a notice of an electronic ballot on a specified matter, and
 - (b) be given not less than 14 days before the final date for the registration of votes in the ballot.

(9) Notice of an electronic ballot must be given not less than 14 nor more than 56 days before the date which the society or branch specifies as the final day for the registration of votes in the ballot.

(10) Unless express provision to the contrary is made in the rules of a society or branch, sub-paragraphs (4) and (5) of paragraph 8 apply to a notice of an electronic ballot as they apply to a notice of a postal ballot.

(11) The rules of the society or branch may make provision as to the consequences of any irregularities occurring in the course of a ballot, including provision as to the validity of multiple votes cast by a member in the same election or on the same resolution.

(12) Unless express provision to the contrary is made in the rules of a society or branch, if the facility for registering a vote is absent from the website for part of the period referred to in sub-paragraph (6), the absence is to be disregarded if it is wholly attributable to circumstances that it would not be reasonable to have expected the society or branch to prevent or avoid.

Combined ballots

8B.—(1) The rules of a friendly society or registered branch may provide for the voting in an election of the committee of management or, where applicable, the secretary, or on any resolution (whether special or not) to be conducted in all, or any particular, circumstances by combined ballot.

(2) A “combined ballot”, in relation to such an election or resolution, means a postal ballot and electronic ballot taking place in accordance with those rules.

(3) The rules must, in particular, stipulate that no person entitled to vote in a combined ballot is permitted to do so in both the postal and the electronic ballot.

(4) Paragraph 8(2) to (5) applies to a combined ballot in so far as it involves a postal ballot.

(5) Paragraph 8A(3) to (12) applies to a combined ballot in so far as it involves an electronic ballot.”.

Commencement Information

II Art. 20 in force at 12.4.2011, see [art. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Mutual Societies (Electronic Communications) Order 2011, Section 20.