



Industrial and Provident Societies Act (Northern Ireland) 1969

1969 CHAPTER 24

PART IV

MISCELLANEOUS AND GENERAL

97 Regulations.

- (1) The [^{F1}Department] may make regulations—
 - (a) respecting registration and procedure under this Act and the forms to be used for such registration;
 - (b) respecting the functions of the registrar under this Act;
 - (c) respecting the inspection, and furnishing of copies, of documents in the custody of the registrar under this Act;
 - (d) prescribing the scale of fees to be paid for the inspection, or the furnishing of copies, of documents in the custody of the registrar or in connection with the exercise by the registrar of any of his functions under this Act;
 - (e) prescribing anything which may be or is to be prescribed by the [^{F1}Department] under this Act;and generally for carrying this Act into effect.
- (2) Any such regulations may impose reasonable fines on persons who contravene or fail to comply with any of those regulations; and any such fine shall be recoverable on the summary conviction of the offender.
- (3) The registrar may make regulations prescribing anything which under this Act is to be or may be prescribed by him.
- (4) Any regulations made under this Act shall be subject to negative resolution.

F1 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](#)

Status: Point in time view as at 22/06/2016.

Changes to legislation: There are currently no known outstanding effects for the Industrial and Provident Societies Act (Northern Ireland) 1969, PART IV. (See end of Document for details)

98 Form, deposit and evidence of documents.

- (1) Without prejudice to section 48(2)(a) and (b) and subject to any regulations made under this Act, every return and other document required for the purposes of this Act shall be made in such form and shall contain such particulars, and shall be deposited and registered or recorded with or without observations thereon, in such manner, as the registrar may direct.
- (2) Every document purporting to be signed by the registrar, including in particular any document purporting to be a copy or extract of a registered society's rules or of any other instrument or document whatsoever, and every document purporting to be signed by any inspector under this Act shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.

99 Exercise of functions of registrar.

Anything which is required or authorised to be done by or to the registrar under this Act may be done by or to the assistant registrar.

100 Annual reports by registrar.

The registrar shall each year make a report to the Minister of his proceedings under this Act and the Minister shall lay the report before Parliament.

101 Interpretation.

- (1) In this Act—

“Act” means an Act of the Parliament of Northern Ireland or of the Parliament of the United Kingdom;

“Act of 1893” means the Industrial and Provident Societies Act 1893 ;

“amendment”, in relation to the rules of a registered society, includes a new rule, and a resolution rescinding a rule, of the society;

“annual return” means the annual return which a registered society is required by section 48 to send to the registrar;

^{F2} ...

Definition rep. by 1986 c. 53

“committee”, in relation to a society, means the committee of management or other directing body of the society;

^{F3}

Definition rep. by 1985 NI 12

[^{F4} “the Department” means the Department of Enterprise, Trade and Investment;]

“exempt society” has the meaning assigned to it by section 38(3);

“group accounts” has the meaning assigned to it by section 45;

“meeting”, in relation to a society, includes, where the rules of that society so allow, a meeting of delegates appointed by members;

“member of the family” means father, mother, grandfather, grandmother, step-father, step-mother, father-in-law, mother-in-law, [^{F5} spouse, civil partner,] son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister, uncle, aunt, nephew, niece, first cousin, son-in-law or

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daughter-in-law, and in deducing any relationship for the purposes of this definition a person adopted under the Adoption Act (Northern Ireland) 1967 or any enactment repealed by that Act or by any enactment so repealed or under an order authorising an adoption made anywhere in Great Britain, the Isle of Man or any of the Channel Islands shall be treated as the legitimate offspring of the adopter or adopters;

[^{F6}“the Minister” means the Minister of Enterprise, Trade and Investment;]

“officer”, in relation to a registered society, includes any treasurer, secretary, member of the committee, manager or servant of the society other than a servant appointed by the society's committee, but does not include an auditor appointed by the society in accordance with the requirements of this Act;

“persons claiming through a member”, in relation to a registered society, includes the heirs, executors or administrators and assignees of a member and, where nomination is allowed, his nominee;

“prescribed” means prescribed by regulations under this Act;

“property” includes all real, personal or heritable and moveable estate, including books and papers;

“registered”, in relation to the name or an office of a society, means for the time being registered under this Act;

“registered rules”, in relation to a registered society, means the rules of the society registered or deemed to be registered under this Act as for the time being in force after any amendment thereof so registered;

“registered society” means, subject to section 102, a society registered or deemed to be registered under this Act;

“registrar” means the officer appointed to perform in Northern Ireland the functions of a registrar of [^{F7} credit unions], and “assistant registrar” means the officer appointed to assist the registrar in the performance of those functions;

“subsidiary” has the meaning assigned to it by section 47;

[^{F8}“year of account” is to be read in accordance with sections 36A and 36B.]

- (2) In this Act “the current year of account”, in relation to the appointment of an auditor or auditors, means the year of account in which the question of that appointment arises, and “the preceding year of account” means the year of account immediately preceding the current year of account.

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| F2 | s. 101(1): definition of "board of directors" 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. 56(a) |
| F3 | S. 101(1): definition of "Companies Acts" omitted (1.10.2009) by virtue of Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941) , art. 2(1), Sch. 1 para. 21(11) (with art. 10) |
| F4 | Words in s. 101(1) inserted (23.4.2016) by Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016 (c. 16) , s. 17(1), Sch. 1 para. 56(b) |
| F5 | 2004 c.33 |
| F6 | Words in s. 101(1) substituted (23.4.2016) by Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016 (c. 16) , s. 17(1), Sch. 1 para. 56(c) |
| F7 | 1992 c. 40 |
| F8 | Words in s. 101(1) substituted (23.4.2016) by Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016 (c. 16) , s. 17(1), Sch. 1 para. 41 |

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102 Great Britain societies.

- (1) In this section “registered Great Britain society” means a society which is registered in Great Britain under the law for the time being in force in Great Britain for purposes corresponding to those of this Act and which carries on or intends to carry on business in Northern Ireland.
- (2) Subject to subsection (8), the registrar shall record copies of the registered rules of a registered Great Britain society which are sent to him for the purpose and any registered amendment of those rules so sent.
- (3)^{F9} Where copies of the rules of a registered Great Britain society are recorded under subsection (2), then, for the purposes of the operation of this Act, references to a registered society in such, but such only, of the provisions of this Act as are specified in subsection (4) shall, subject to subsection (6), include a reference to that society, and for the purposes of those provisions that society, those rules and any amendment of those rules registered and recorded as aforesaid shall be deemed to be a society, rules or an amendment duly registered under this Act.
- (4) The provisions of this Act referred to in subsection (3) are sections 2(2), 3, 5(4), (6) and (7), 6(1)(a), 7(1)(b), (2), (3) and (6), 9(1)(a), 12(3), 13, 14, 15(1)(a)(i), 18(2), 21, 24, 25 to 28 [^{F10}, 28B, 28C], 30, 31(b), 32 to 34, 48(6), 50, 51, 53(5), 54(1), 60, 61(6), 63, 69 to 71, 73 to 75 and 98.

[^{F11}(4A) In section 28A(1)—

- (a) the reference to a registered society includes a reference to a society registered under the law for the time being in force in Great Britain for purposes corresponding to those of this Act; and
- (b) the reference to this Act includes a reference to that law.]
- (5) In the application of section 75(3) to a registered Great Britain society, the reference to the registered office of the society shall be construed as including a reference to the principal office in Northern Ireland of the society.
- (6) Nothing in this section shall confer any power or impose any obligation or liability with respect to the taking or refraining from taking of, or a failure to take, any action outside Northern Ireland; and in the application of section 54(1) by virtue of this section the reference therein to this Act shall be construed as a reference to the law for the time being in force in Great Britain for purposes corresponding to those of this Act.
- (7) Article 22 of the Government of Ireland (Companies, Societies, &c.) Order 1922 shall cease to have effect in relation to a registered Great Britain society.
- (8) Subsection (2) shall not apply to a registered Great Britain society the objects of which are wholly or substantially those set out in section 78(1).

F9 1981 NI 3

F10 Words in s. 102(4) inserted (1.7.2006) by [Industrial and Provident Societies \(Northern Ireland\) Order 2006 \(S.I. 2006/314 \(N.I. 3\)\)](#), arts. 1(3), **6(5)**; S.R. 2006/242, **art. 2**

F11 S. 102(4A) inserted (1.7.2006) by [Industrial and Provident Societies \(Northern Ireland\) Order 2006 \(S.I. 2006/314 \(N.I. 3\)\)](#), arts. 1(3), **5(2)**; S.R. 2006/242, **art. 2**

103 Repeals, savings and transitional provisions.

^{F12}(1)

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Subs. (2), with Schedule 6, effects repeals

- (3) Without prejudice to section 4, any regulations, application or notice made or given and any other thing whatsoever done under or in pursuance of any of the enactments repealed by this Act shall be deemed for the purposes of this Act to have been made, given or done, as the case may be, under or in pursuance of the corresponding provision of this Act; and anything begun under any of the said enactments may be continued under this Act as if begun under this Act.
- (4) So much of any document as refers expressly or by implication to any enactment repealed by this Act shall, if and so far as the context permits, be construed as referring to this Act or the corresponding enactment therein.
- (5) Nothing in section 4 or in this section shall be taken as affecting the general application of sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954 with regard to the effect of repeals and substituting provisions.

<p>F12 S. 103(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. 57</p>

104 Short title and commencement.

- (1) This Act may be cited as the Industrial and Provident Societies Act (Northern Ireland) 1969.
- (2) *Commencement*

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