



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

1969 CHAPTER 24

PART IV

MISCELLANEOUS AND GENERAL

97 Regulations.

- (1) The [^{F1}Department] may make regulations—
- ^{F2}(a)
 - ^{F2}(b)
 - ^{F2}(c)
 - ^{F2}(d)
 - (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.
- ^{F3}(3)
- (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**
- F2** S. 97(1)(a)-(d) 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. 21(a)** (with art. 3)

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

- F3** S. 97(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. 2 para. 21\(b\)](#) (with art. 3)

98 Form, deposit and evidence of documents.

- (1) Without prejudice to section 48(2)(a) and (b) ^{F4}..., 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) ^{F5}... 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.
- [^{F6}(3) A document bearing the registrar's seal, including any document purporting to be a copy or extract of a registered society's rules or of any other instrument or document, is to be received in evidence without further proof.]

- F4** Words in s. 98(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. 2 para. 22\(a\)](#) (with art. 3)
- F5** Words in s. 98(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. 2 para. 22\(b\)](#) (with art. 3)
- F6** S. 98(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. 2 para. 22\(c\)](#) (with art. 3)

[^{F7}98A. Form etc of electronic documents

- (1) A document or information required for the purposes of this Act 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 section, 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.

- F7** [Ss. 98A-98C](#) 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. 2 para. 23](#) (with art. 3)

98B. Power of registrar to impose requirements as to form etc of electronic documents

- (1) The registrar may impose requirements as to the form, authentication and manner of delivery of documents sent electronically to it under this Act.
- (2) As regards authentication, the registrar may—

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- (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 registrar 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).
- (4) The power conferred by this section does not authorise the registrar to require documents to be delivered electronically.
- (5) Requirements imposed under this section must not be inconsistent with requirements imposed by this Act or any other statutory provision with respect to the form, authentication and delivery of the document concerned.
- (6) In this section, a document is sent electronically if it is sent by electronic means or in electronic form.

F7 Ss. 98A-98C 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. 2 para. 23](#) (with art. 3)

98C. Fees for inspection and copying of documents

The registrar may charge a person a reasonable fee before—

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

F7 Ss. 98A-98C 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. 2 para. 23](#) (with art. 3)

^{F8}99 Exercise of functions of registrar.

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F8 S. 99 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. 24](#) (with art. 3)

^{F9}100 Annual reports by registrar.

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F9 S. 100 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. 24](#) (with [art. 3](#))

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;

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...

Definition rep. by 1986 c. 53

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

^{F11}
.....

Definition rep. by 1985 NI 12

[^{F12} “the Department” means the Department of Enterprise, Trade and Investment;]

[^{F13} “electronic form” means a document or information sent by electronic means (for example, by email or fax), or by any other means while in electronic form (for example, sending a disc in the post);]

[^{F13} “electronic means” means a document or information sent initially and received at its destination by means of electronic equipment for the processing (which expression includes digital compression) or storage of data, and entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means;]

“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, [^{F14} 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 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;

[^{F15} “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

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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;

[^{F16}“pre-2016 Act society” has the meaning given by section 1A;]

“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;

[^{F17}“registered society” has the meaning given by section 1A;]

[^{F18}“registrar” means the Financial Conduct Authority;

“registrar’s seal” means the seal provided for in regulations made under section 109(1)(b) of the Friendly Societies Act 1974;]

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

[^{F19}“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.

- F10** 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)**
- F11** 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)
- F12** 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)**
- F13** Words in s. 101(1) 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. 2 para. 25(b)** (with art. 3)
- F14** 2004 c.33
- F15** 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)**
- F16** Words in s. 101(1) inserted (6.4.2018) by [Credit Unions and Co-operative and Community Benefit Societies Act \(Northern Ireland\) 2016 \(c. 16\)](#), s. 17(2), **Sch. 1 para. 14(a)**; S.R. 2017/217, art. 2(d)
- F17** Words in s. 101(1) substituted (6.4.2018) by [Credit Unions and Co-operative and Community Benefit Societies Act \(Northern Ireland\) 2016 \(c. 16\)](#), s. 17(2), **Sch. 1 para. 14(b)**; S.R. 2017/217, art. 2(d)
- F18** Words in s. 101(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. 2 para. 25(a)** (with art. 3)
- F19** 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.
- [^{F20}(2) Subject to subsection (8), where the registrar receives from a registered Great Britain society a notice that the society is carrying on or intends to carry on business in Northern Ireland, the registrar must place the notice on a file which it keeps in respect of the society.]
- (3) [^{F21} Where [^{F22}the registrar files a notice] 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 [^{F23}the registered Great Britain society from which the notice was received, and for the purposes of those provisions that society, the rules of that society] 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 [^{F24}, 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.
- [^{F25}(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).

F20 S. 102(2) 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. 26(a)** (with art. 3)

F21 1981 NI 3

F22 Words in s. 102(3) 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. 26(b)(i)** (with art. 3)

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- F23** Words in s. 102(3) 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. 26(b)(ii)** (with art. 3)
- F24** 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**
- F25** 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.

^{F26}(1)

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.

- F26** 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**

104 Short title and commencement.

- (1) This Act may be cited as [^{F27}the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969] .
- (2) *Commencement*

- F27** Words in s. 104(1) substituted (6.4.2018) by [Credit Unions and Co-operative and Community Benefit Societies Act \(Northern Ireland\) 2016 \(c. 16\)](#), s. 17(2), **Sch. 1 para. 15**; S.R. 2017/217, art. 2(d)

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