



Industrial and Provident Societies Act (Northern Ireland) 1969

1969 CHAPTER 24

PART II

REGISTERED SOCIETIES

DISSOLUTION OF SOCIETY

67 Instrument of dissolution.

- (1) The following provisions of this section shall have effect where a society is to be dissolved by an instrument of dissolution under [^{F1} section 66A(1)] .
- (2) The instrument of dissolution shall set forth—
 - (a) the liabilities and assets of the society in detail;
 - (b) the number of the members and the nature of their respective interests in the society;
 - (c) the claims of creditors, if any, and the provision to be made for their payment; and
 - (d) unless stated in the instrument of dissolution to be left to the award of the registrar, the intended appropriation or division of the funds and property of the society.
- [^{F2}(3) An alteration in an instrument of dissolution may be made—
 - (a) by at least 75% of the society's members consenting to it, that consent being testified by their signatures to the alteration, or
 - (b) if the instrument was approved by a special resolution of the society, by a further special resolution (as defined in section 59).]
 - (4) The instrument of dissolution shall be sent to the registrar accompanied by a statutory declaration made by three members and the secretary of the society that all relevant provisions of this Act have been complied with; and any person knowingly making a

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false or fraudulent declaration in the matter shall be guilty of an offence and liable to the penalties provided by [^{F3} Article 10 of the Perjury (Northern Ireland) Order 1979].

- (5) The instrument of dissolution and any alterations thereto shall be registered in like manner as an amendment of the rules of the society and shall be binding upon all the members of the society, but shall not be so registered until the registrar has received [^{F4} the society's annual return for its last year of account (see section 36A(8) or 36B(8)).]
- [^{F5}(5A) A copy of every special resolution for the purposes of section 66A or subsection (3) of this section—
- (a) signed by the chair of the meeting at which the resolution was confirmed, and
 - (b) countersigned by the society's secretary,
- must be sent to the registrar before the end of the period of 14 days beginning with the day the resolution was confirmed.
- (5B) The registrar must register a copy of a special resolution received under subsection (5A) at the same time as the registrar registers the instrument of dissolution and any alterations to it.]
- (6) The registrar shall cause notice of the dissolution to be advertised at the expense of the society in the Belfast Gazette and in any other manner which the registrar considers necessary for bringing such notice to the attention of persons affected thereby; and unless—
- (a) within three months from the date of the Belfast Gazette in which that advertisement appears a member or other person interested in or having any claim on the funds of the society commences in the county court ^{F6}... proceedings to set aside the dissolution of the society; and
 - (b) that dissolution is set aside accordingly,
- then, subject to subsection (7), the society shall be legally dissolved from the date of the advertisement and the requisite consents to [^{F7}, or approval of,] the instrument of dissolution shall be deemed to have been duly obtained without proof of the signatures thereto. [^{F8}or of the special resolution (as the case may be).]
- (7) If the certificate referred to in section 68(1) has not been lodged with the registrar by the date of the advertisement referred to in subsection (6) of this section, the society shall be legally dissolved only from the date when that certificate is so lodged.
- (8) Notice of any proceedings to set aside the dissolution of a society shall be sent to the registrar by the person taking those proceedings not later than seven days after they are commenced or not later than the expiration of the period of three months referred to in subsection (6), whichever is the earlier; and notice of any order setting the dissolution aside shall be sent by the society to the registrar within seven days after the making of the order.
- (9) In the application of this section to a society which for the time being consists solely of two registered societies, the reference in subsection (4) to three members shall be construed as a reference to both members.

F1 Words in s. 67(1) substituted (23.4.2016) by [Credit Unions and Co-operative and Community Benefit Societies Act \(Northern Ireland\) 2016 \(c. 16\)](#), ss. **13(3)(a)**, 17(1)

F2 S. 67(3) substituted (23.4.2016) by [Credit Unions and Co-operative and Community Benefit Societies Act \(Northern Ireland\) 2016 \(c. 16\)](#), ss. **13(3)(b)**, 17(1)

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- F4** Words in s. 67(5) 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. 39**
- F5** S. 67(5A)(5B) inserted (23.4.2016) by Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016 (c. 16), **ss. 13(3)(c)**, 17(1)
- F6** Words in s. 67(6)(a) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 63, **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)
- F7** Words in s. 67(6) inserted (23.4.2016) by Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016 (c. 16), **ss. 13(3)(d)(i)**, 17(1)
- F8** Words in s. 67(6) inserted (23.4.2016) by Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016 (c. 16), **ss. 13(3)(d)(ii)**, 17(1)

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