



# Industrial and Provident Societies Act (Northern Ireland) 1969

## 1969 CHAPTER 24

### PART II

#### REGISTERED SOCIETIES

##### MEMBERSHIP AND SPECIAL PROVISIONS AFFECTING MEMBERS

#### **18 Bodies corporate as members of society.**

- (1) Shares in a registered society may be held by any other body corporate (if that body's regulations so permit) in its corporate name.
- (2) Where a registered society is a member of another registered society, then, for the purposes of any enactment with respect to the making or signing of any application, instrument or document by members of a registered society, any reference therein to such a member shall, in relation to the first-mentioned society as a member of the second-mentioned society, be construed as a reference to two members of the committee and the secretary of the society.

#### **[<sup>F1</sup>19 Members under age of 18**

- (1) A person under the age of 18 may be a member of a registered society unless the society's registered rules provide otherwise.
- (2) A person under the age of 18—
  - (a) may enjoy all the rights of a member of a registered society, and
  - (b) if aged 16 or over, may execute all instruments and give all receipts necessary to be executed or given under a society's registered rules.

This is subject to the society's registered rules and to the provisions of this Act.

*Status: Point in time view as at 22/06/2016.*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. (See end of Document for details)*

- (3) A person under the age of 16 may not be a member of a registered society's committee or a trustee, manager or treasurer of a registered society.]

**F1** S. 19 substituted (with application in accordance with Sch. 2 para. 4 of the amending Act) by [Credit Unions and Co-operative and Community Benefit Societies Act \(Northern Ireland\) 2016 \(c. 16\), ss. 9, 17\(3\)](#) (with [Sch. 2 para. 4](#))

## **20 Advances to members.**

Without prejudice to any provision included by virtue of section 11, the rules of a registered society may provide for advances of money to members—

- (a) on the security of real or personal property; or
- (b) if the society is registered to carry on banking business, in any manner customary in the conduct of such business.

## **21 Remedy for debts from members.**

- (1) All moneys payable to a registered society by a member thereof shall be a debt due from that member to the society and shall be recoverable as such in the county court for the district within which the society's registered office is situate or within which the member resides, at the option of the society.
- (2) A registered society shall have a lien on the shares of any member for any debt due to the society by that member, and may set off any sum credited to the member on those shares in or towards the payment of that debt.

## **22 Nomination to property in society.**

- (1) Subject to subsections (2) and (3), a member of a registered society may, by a written statement signed by him and delivered at or sent to the society's registered office during his lifetime or made in any book kept at that office, nominate a person or persons to become entitled at his death to the whole, or to such part or respective parts as may be specified in the nomination, of any property in the society (whether in shares, loans or deposits or otherwise) [<sup>F2</sup>which he may have at the time of his death.]
- (2) The nomination by a member of a society under subsection (1) of a person who is at the date of the nomination an officer or servant of the society shall not be valid unless that person is the [<sup>F3</sup>spouse, civil partner,] father, mother, child, brother, sister, nephew or niece of the nominator.
- (3) For the purposes of the disposal of any property which is the subject of a nomination under subsection (1)—
  - <sup>F4</sup>(a) .....
  - (b) if the nomination was made <sup>F5</sup>... before 29th December 1955 and at the date of the nominator's death the amount of his property in the society comprised in the nomination exceeds one hundred pounds, the nomination shall be valid to the extent of one hundred pounds but not further or otherwise;
  - (c) if the nomination was made after 28th December 1955 and before 21st April 1967 and at the date of the nominator's death the amount of his property in the society comprised in the nomination exceeds two hundred pounds, the

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nomination shall be valid to the extent of two hundred pounds but not further or otherwise;

- (d) if the nomination was made after 20th April 1967 and at the date of the nominator's death the amount of his property in the society comprised in the nomination exceeds five hundred pounds<sup>F6</sup> (or such higher amount as may be substituted under section 6(1) of the Administration of Estates (Small Payments) Act (Northern Ireland) 1967 ), the nomination shall be valid to the extent of five hundred pounds (or such higher amount as aforesaid), but not further or otherwise.
- (4) A nomination by a member of a society under subsection (1) may be varied or revoked by a subsequent nomination by him thereunder or by any similar document in the nature of a revocation or variation signed by the nominator and delivered at or sent to the society's registered office during his lifetime, but shall not be revocable or variable by the will of the nominator or by any codicil thereto.
- (5) Every registered society shall keep a book in which the names of all persons nominated under subsection (1) and any revocation or variation of any nomination under that subsection shall be recorded.
- (6) The<sup>F3</sup> formation of a marriage or civil partnership by] a member of a society shall operate as a revocation of any nomination made by him before the marriage<sup>F3</sup> or civil partnership was formed<sup>F7</sup> ...; but if any property of that member has been transferred by an officer of the society in pursuance of the nomination in ignorance of<sup>F3</sup> the formation of a marriage or civil partnership] by the nominator subsequent to the date of the nomination, the receipt of the nominee shall be a valid discharge to the society and the society shall be under no liability to any other person claiming the property.

- F2** Words in s. 22(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. 47\(2\)](#)
- F3** [2004 c.33](#)
- F4** S. 22(3)(a) 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. 47\(3\)\(a\)](#)
- F5** Words in s. 22(3)(b) 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. 47\(3\)\(b\)](#)
- F6** Increased to £5,000 for nominations effected after 31.3.1985, SR 1985/9
- F7** Words in s. 22(6) 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. 47\(4\)](#)

## 23 Proceedings on death of nominator.

- (1) Subject to subsection (2), where any member of a registered society has made a nomination under section 22, the committee of the society, on receiving satisfactory proof of the death of that member, and if and to the extent that the nomination is valid under subsections (2) and (3) of that section, shall in the case of each person entitled under the nomination either transfer to him, or pay him the full value of, any property to which he is so entitled.
- (2) Where any of the property comprised in such a nomination as aforesaid consists of shares in the society, subsection (1) shall have effect notwithstanding that the rules of the society declare the shares therein not to be transferable; but if the transfer of any shares comprised in the nomination in the manner directed by the nominator would raise the share holding of any nominee beyond the maximum for the time being

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permitted in the case of that society, the committee of the society shall not transfer to that nominee more of those shares than will raise his share holding to that maximum and shall pay him the value of any of those shares not transferred.

- (3) Where any sum falls to be paid under the foregoing provisions of this section to a nominee who is under sixteen years of age, the society may pay that sum to either parent, or to a guardian, of the nominee or to any other person of full age who will undertake to hold it on trust for the nominee or to apply it for his benefit and whom the society may think a fit and proper person for the purpose, and the receipt of that parent, guardian or other person shall be a sufficient discharge to the society for all moneys so paid.

## **24 Provision for small payments on death.**

If any member of a registered society dies and at his death his property in the society (whether in shares, loans or deposits or otherwise) does not exceed in the whole five hundred pounds<sup>F8</sup> (or such higher amount as may be substituted under section 6(1) of the Administration of Estates (Small Payments) Act (Northern Ireland) 1967 ) and is not the subject of any nomination under section 22, then the committee of the society may, without letters of administration or probate of any will, distribute that property among such persons as appear to the committee on such evidence as it deems satisfactory to be entitled by law to receive it.

<b>F8</b> Increased to £5,000 for deaths after 31.3.1985, SR 1985/9
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## **25 Payments in respect of mentally incapable persons.**

Where in the case of a member of a registered society or a person claiming through such a member the society's committee is satisfied after considering medical evidence that the member or person is incapable through disorder or disability of mind of managing his own affairs and is also satisfied that no person has been duly appointed to administer his property on his behalf, and it is proved to the satisfaction of the committee that it is just and expedient so to do, the society may pay the amount of any property (whether in shares, loans or deposits or otherwise) belonging to that member or person to any person whom it judges proper to receive it on his behalf, whose receipt shall be a good discharge to the society for any sum so paid.

## **26 Validity of payment to persons apparently entitled.**

All payments or transfers made by the committee of a registered society under section 24 or 25 or any corresponding provision of any Act repealed by this Act to any person appearing to the committee at the time of the payment or transfer to be entitled thereunder shall be valid and effectual against any demand made upon the committee or society by any other person.

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