
STATUTORY INSTRUMENTS

1997 No. 2984

The Deregulation (Northern Ireland) Order 1997

Title and commencement

1.—(1) This Order may be cited as the Deregulation (Northern Ireland) Order 1997.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

Credit unions

3. The Credit Unions (Northern Ireland) Order 1985 is amended as set out in Schedule 1.

Industrial and Provident Societies

4. The Industrial and Provident Societies Act (Northern Ireland) 1969 is amended as set out in Schedule 2.

Companies

5.—(1) The Companies (Northern Ireland) Order 1986 is amended as follows.

(2) In Article 387A (elective resolutions of private companies) after paragraph (2) (under which an elective resolution is not effective unless passed at a meeting of which at least 21 days' notice has been given) there shall be inserted—

“(2A) An elective resolution is effective notwithstanding the fact that less than 21 days' notice in writing of the meeting is given if all the members entitled to attend and vote at the meeting so agree.”.

(3) In Article 389A(5) (date of passing of a written resolution), the words from “unless” to the end shall cease to have effect.

(4) For Article 389B (under which a written resolution which concerns the auditors as auditors is not effective if the auditors give notice to the company that it should be considered at a general meeting) there shall be substituted—

“Duty to notify auditors of proposed written resolution

389B.—(1) If a director or secretary of a company—

- (a) knows that it is proposed to seek agreement to a resolution in accordance with Article 389A, and
- (b) knows the terms of the resolution,

he shall, if the company has auditors, secure that a copy of the resolution is sent to them, or that they are otherwise notified of its contents, at or before the time the resolution is supplied to a member for signature.

(2) A person who fails to comply with paragraph (1) is liable to a fine.

(3) In any proceedings for an offence under this Article it is a defence for the accused to prove—

(a) that the circumstances were such that it was not practicable for him to comply with paragraph (1), or

(b) that he believed on reasonable grounds that a copy of the resolution had been sent to the company's auditors or that they had otherwise been informed of its contents.

(4) Nothing in this Article affects the validity of any resolution.”.

(5) At the end of Article 389(3)(1) (under which the procedure for written resolutions under Articles 389A and 389B is expressed to have effect notwithstanding any provision of the company's memorandum or articles) there shall be inserted “but do not prejudice any such power conferred by any such provision.”.

(6) In Article 398(2) (further provision with respect to the rights of auditors in relation to a proposed written resolution), sub-paragraphs (b) to (d) shall cease to have effect.

(7) In Schedule 23 (punishment of offences) there shall be inserted at the appropriate place—

“389B(2)	Director or secretary of company failing to notify auditors of proposed written resolution.	Summary.	Level 3 on the standard scale.”.
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(8) Paragraphs (3), (4), (6) and (7) have effect in relation to written resolutions first proposed on or after the day on which this Order comes into operation.

Gaming machines in registered clubs

6. For Article 106(2) of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (maximum number of gaming machines permitted in registered clubs) there shall be substituted—

“(2) Not more than 3 gaming machines (or such other number as the Department may specify, by order subject to affirmative resolution) shall be made available for gaming on those premises.”.

Motor vehicle tests

7.—(1) Article 64 of the Road Traffic (Northern Ireland) Order 1995 (supplementary provisions about test certificates) is amended as follows.

(2) After paragraph (1) there shall be inserted the following paragraph—

“(1A) A test certificate issued in respect of a vehicle within the period of one month ending immediately before the date on which Article 63 first applies to the vehicle shall be treated for the purposes of that Article as if issued at the end of that period.”.

(3) In paragraph (5) (which adapts provisions of the Article in relation to public service vehicles adapted to carry more than eight passengers) in sub-paragraph (a) (which substitutes two months for one month)—

- (a) after “paragraphs” there shall be inserted “(1A),” and
- (b) for “both places” there shall be substituted “each place”.

Repeal of the Rag Flock Acts, 1911 and 1928

8. The Rag Flock Acts, 1911 and 1928 are hereby repealed.

Electricity: pre-payment meters: supply of certain goods and services

9. In paragraph 13(2) of Schedule 7 to the Electricity (Northern Ireland) Order 1992 (pre-payment meter or other device not to be used to recover sum owing to electricity supplier otherwise than in respect of certain matters) for the words from “otherwise than” to the end there shall be substituted

“otherwise than in respect of—

- (a) the supply of electricity;
- (b) the provision of—
 - (i) an electric line or electrical plant; or
 - (ii) the meter or device in question; or
- (c) the provision of any goods or services which—
 - (i) are intended or designed to secure or promote the efficient use of electricity; and
 - (ii) are of a description prescribed for the purposes of this sub-paragraph.”.

Marketing of potatoes

10. The Marketing of Potatoes Act (Northern Ireland) 1964 is amended as set out in Schedule 3.

Repeals

11. The statutory provisions set out in Schedule 4 are hereby repealed to the extent specified in column 3 of that Schedule.

N. H. Nicholls
Clerk of the Privy Council