



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

## 1969 CHAPTER 24

### PART II

#### REGISTERED SOCIETIES

##### PROVISIONS AS TO RULES

#### **8 Acknowledgment of registration of rules.**

Without prejudice to section 62(3), an acknowledgment of the registration of a society issued under section 2(3) shall also constitute an acknowledgment, and be conclusive evidence, of the registration under this Act of the rules of that society in force at the date of the society's registration.

#### **9 Amendment of registered rules.**

(1) <sup>F1</sup> Subject to subsection (2), any amendment of a society's rules as for the time being registered under this Act shall not be valid until the amendment has been so registered, for which purpose there shall be sent to the registrar two copies of the amendment signed—

- (a) in the case of a society for the time being consisting solely of registered societies, by the secretary of the society and by<sup>F2</sup> . . . the secretary of each<sup>F2</sup> (or, if more than two, of each of any two)] of the constituent societies;
- (b) in any other case, by three members and the secretary of the society.

(2) Subsection (1) shall not apply to a change in the situation of a society's registered office or in the name of a society; but—

- (a) notice of any change in the situation of a society's registered office shall be sent to the registrar; and

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- (b) where such a notice is duly sent, or where a change in the name of a registered society is made in accordance with section 5(3), the change in the situation of the society's registered office or, as the case may be, the change in the society's name shall be registered by the registrar as an amendment of the society's rules.
- (3) Subject to subsection (6), the registrar, on being satisfied that any amendment of a society's rules is not contrary to the provisions of this Act, shall issue to the society in respect of that amendment an acknowledgment of registration [<sup>F3</sup>, bearing the registrar's seal,] which shall be conclusive evidence that it is duly registered.
- (4) Notwithstanding anything in the rules of any society, the committee of a registered society may by resolution passed during the appropriate period after the passing of this Act make such amendments of the rules of the society as may be consequential on the provisions of this Act.
- (5) For the purposes of subsection (4) the appropriate period after the passing of this Act, in relation to any society, shall be whichever is the longer of the following two periods, that is to say—
- (a) a period of one year beginning with the date of the passing of this Act, and
  - (b) a period beginning with the date of the passing of this Act and ending with the date on which an amendment of the rules of that society is first registered after that date under subsection (3).
- (6) Notwithstanding anything in subsection (3), after the end of one year beginning with the date of the passing of this Act, the registrar shall not be required to register any amendment of a society's rules unless such consequential amendments of the rules of that society as are mentioned in subsection (4) either have been made before the application for registration of that amendment or are to be effected by that amendment.

**F1** mod. by [1992 NI 15](#)

**F2** [1997 NI 22](#)

**F3** Words in [s. 9\(3\)](#) 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. 5](#) (with [art. 3](#))

**Modifications etc. (not altering text)**

**C1** [S. 9](#) applied (with modifications) by [S.I. 1992/1725 \(N.I. 15\)](#), [art. 29\(6\)-\(8\)](#) (as substituted (29.8.2020) by [Housing \(Amendment\) Act \(Northern Ireland\) 2020 \(c. 5\)](#), [ss. 6\(5\), 10\(2\)](#))

**C2** [S. 9\(3\)](#) modified (31.7.2006) by [Community Benefit Societies \(Restriction on Use of Assets\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/258\)](#), [reg. 17](#), [Sch. 2 para. 1\(2\)](#)

## 10 Rules as to fund for purchase of government securities.

- (1) The rules of a society registered or to be registered under this Act may make provision for the setting up and administration by the society of a fund for the purchase on behalf of members contributing to the fund of defence bonds, national savings certificates, Ulster savings certificates or such other securities of the Government of the United Kingdom or the Government of Northern Ireland as may for the time being be prescribed by the [<sup>F4</sup>Department] for the purpose; and any such rules may make provision for enabling persons to become members of the society for the purpose only of contributing to that fund and without being entitled to any rights as members other than rights as contributors to that fund.

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- (2) Any rule which, immediately before the passing of this Act, was included among the registered rules of a registered society by virtue of section 7(3) of the Societies (Miscellaneous Provisions) Act (Northern Ireland) 1940 shall have effect as if it had been duly passed by the society.

**F4** 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**

## 11 Rules of agricultural, horticultural or forestry society.

Where a society registered or to be registered under this Act consists mainly of members who are producers of agricultural or horticultural produce or persons engaged in forestry, or organisations of such producers or persons so engaged, and the object or principal object of the society is the making to its members of advances of money for agricultural, horticultural or forestry purposes, registration under this Act of the rules of the society or any amendment thereof shall not be refused on the ground that the rules provide, or would as amended provide, for the making of such advances without security.

## 12 Supplementary provisions as to rules.

- (1) The rules of a registered society or any schedule thereto may specify the form of any instrument necessary for carrying the purposes of the society into effect.
- (2) The rules of a registered society may impose reasonable fines on persons who contravene or fail to comply with any of those rules.
- (3) Any fine imposed by the rules of a registered society shall be recoverable on the summary conviction of the offender.
- (4) Any provision of, or of any instrument made under, this or any other Act requiring or authorising the rules of a registered society to deal with particular matters shall be without prejudice to the power of such a society to make rules with respect to any other matter which are not inconsistent with any such provision or with any other provision of this or any other Act and which are not otherwise unlawful.

## 13 Rules to bind members.

- (1) Subject to subsections (2) and (3), the registered rules of a registered society shall bind the society and all members thereof and all persons claiming through them respectively to the same extent as if each member had<sup>f5</sup> executed them as a deed] and there were contained in those rules a covenant on the part of each member and any person claiming through him to conform thereto subject to the provisions of this Act.
- (2) A member of a registered society shall not, without his consent in writing having been first obtained, be bound by any amendment of the society's rules registered after he became a member, being an amendment registered after 16th April 1929, if and so far as that amendment requires him to take or subscribe for more shares than the number held by him at the date of registration of the amendment, or to pay upon the shares so held any sum exceeding the amount unpaid upon them at that date, or in any other way increases the liability of that member to contribute to the share or loan capital of the society.

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- (3) In the case of a society to which section 4 applies which was a registered society under the Act of 1893 on 1st January 1894, the society or the members thereof may respectively exercise any power given by this Act and not made to depend on the provisions of the society's rules notwithstanding anything in any of those rules registered before 12th September 1893.

**F5** 2005 NI 7

#### 14 Provision of copies of rules.

- (1) A copy of the registered rules of any registered society shall be delivered by the society to any person who demands it, subject to payment by that person of such sum not exceeding [<sup>F6</sup> 50p] (or such larger sum as may from time to time be prescribed [<sup>F7</sup> by the Department] ) as the society may see fit to charge.
- (2) If any person, with intent to mislead or defraud, gives to any other person—
- (a) a copy of any rules other than rules for the time being registered under this Act on the pretence that they are the existing rules, or that there are no other rules, of a registered society; or
  - (b) a copy of the rules of a society which is not registered under this Act on the pretence that they are the rules of a registered society,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F8</sup> level 1 on the standard scale].

**F6** SR 1974/317

**F7** Words in s. 14(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. 6](#) (with art. 3)

**F8** 1984 NI 3

**Changes to legislation:**

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