

SCHEDULE 2

Article 2(b)

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

1. The Co-operative and Community Benefit Societies Act (Northern Ireland) 1969 is amended as follows.

2. In the following provisions for “he”, wherever it appears, substitute “the registrar”—
 - (a) section 5 (name of society), subsection (5);
 - (b) section 15 (cancellation of registration of society), subsections (1)(b) and (4)(b);
 - (c) section 17 (appeal from refusal, cancellation or suspension of registration of society or rules), subsection (1)(a);
 - (d) section 29 (charges on assets of registered societies), subsection (5)(1);
 - (e) section 56 (inspection of books by order of registrar), subsections (1) and (2);
 - (f) section 57 (production of documents and provision of information for certain purposes), subsections (1) and (3); and
 - (g) section 58 (appointment of inspectors and calling of special meetings), subsection (3).
3. In section 2 (registration of society)—
 - (a) in subsection (1)(b) for “with two printed copies of the society’s rules to the registrar” substitute “to the registrar with two copies of the society’s rules or, if the application is made by electronic means, one copy of those rules”;
 - (b) in subsection (2)—
 - (i) omit “printed”;
 - (ii) at the end insert “(or, if the application is made by electronic means, one copy of those rules)”; and
 - (c) in subsection (3) for “in the prescribed form” substitute “, bearing the registrar’s seal,”.
4. In section 7A(2) (capacity of society not limited by its rules), in subsection (7) for “him” substitute “it”.
5. In section 9 (amendment of registered rules), in subsection (3) for “in the prescribed form” substitute “, bearing the registrar’s seal,”.
6. In section 14(3) (provision of copies of rules), in subsection (1) for “by the registrar” insert “by the Department”.
7. In section 15 (cancellation of registration of society)—
 - (a) in subsection (1)—
 - (i) for “by writing under his hand” substitute “in writing”;
 - (ii) in paragraph (a) for “his” substitute “the registrar’s”;
 - (iii) in paragraph (c)—
 - (aa) for “with the approval of the Department(4)” substitute “if at any time”;

(1) Section 29 was amended by S.I. 1997/2984 (N.I. 22).

(2) Section 7A was inserted by S.I. 2006/314 (N.I. 3).

(3) Section 14 was amended by S.R (NI) 1974 No. 317

(4) “Department” was substituted for “Ministry” in each place where it appears in the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969, except in section 101 and Schedule 5, by the Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016, section 16(1) and Schedule 1, paragraph 46, which came into force on 23 April 2016. By virtue of paragraph 56 of Schedule 1 to that Act “the Department” is the Department of Enterprise, Trade and Investment, which is renamed “the Department for the Economy” by the Departments Act (Northern Ireland) 2016 (c. 5), section 1(3) and Schedule 1, paragraph 1(3).

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- (bb) in sub-paragraphs (i), (ii) and (iii) for “him” substitute “the registrar”;
 - (cc) in sub-paragraph (i) for “on proof to his” substitute “it is proved to the registrar’s”;
 - (dd) in sub-paragraph (ii)(5) omit “if at any time”;
 - (ee) in sub-paragraph (iii) omit “if”; and
 - (b) in subsection (4)(a) for “him”, in both places where it appears, substitute “the registrar”.
- 8.** In section 16 (suspension of registration of society)—
- (a) in subsection (1)—
 - (i) omit “with the approval of the Department” (where those words first appear);
 - (ii) for “by writing under his hand” substitute “in writing”;
 - (iii) in paragraph (b) omit “with the approval of the Department, but”; and
 - (b) in subsection (2) for “by writing under his hand” substitute “in writing”.
- 9.** In section 29 (charges on assets of registered societies)—
- (a) in subsection (2)—
 - (i) in paragraph (a)—
 - (aa) for “prescribed manner” substitute “manner directed by the registrar”;
 - (bb) for “and so authenticated as may be prescribed” substitute “authenticated in the manner directed by the registrar”;
 - (ii) for paragraph (b) substitute—
 - “(b) any fee required by rules made in accordance with paragraph 23 of Schedule 1ZA to the Financial Services and Markets Act 2000(6).”;
 - (b) for subsections (3) and (4) substitute—
 - “(3) If an application is made in accordance with subsection (2), the registrar must—
 - (a) give the person who makes the application an acknowledgment of the application, bearing the registrar’s seal;
 - (b) place the copy of the instrument included in the application, a note of any particulars included in it, and a copy of the acknowledgement on a file kept by the registrar in respect of the society; and
 - (c) make the file available for inspection during office hours by members of the public on payment of any fee required by rules made in accordance with paragraph 23 of Schedule 1ZA to the Financial Services and Markets Act 2000.
 - (4) The registrar may, under section 98 (Form, deposit and evidence of documents), make provision for—
 - (a) the giving to the registrar of notice of any release, discharge or other transaction relating to a charge in respect of which an application under this section has been made;
 - (b) the inclusion in the file mentioned in this section of any such notice appearing to the registrar to relate to the charge.”.
- 10.** In section 38 (obligation to appoint auditors)—

(5) Section 15(1)(c)(ii) was amended by the Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016, section 16(1) and Schedule 1, paragraph 12.

(6) 2000 c. 8. Schedule 1ZA was substituted by the Financial Services Act 2012, section 6(2) and Schedule 3.

- (a) in subsection (6)(b) for “him”, in both places where it appears, substitute “the registrar”; and
 - (b) in subsection (7) omit “the registrar with the consent of”.
- 11.** In section 43C(7) (registrar’s power to require accounts for past years to be audited), in subsection (1)(b) for “him”, in both places where it appears, substitute “the registrar”.
- 12.** In section 44 (remuneration of qualified auditors), in subsection (1) for “registrar may, with the consent of the Department,” substitute “Department may”.
- 13.** In section 45 (group accounts), in subsection (3) for “registrar may, with the consent of the Department,” substitute “Department may”.
- 14.** In section 53 (register of members and officers), in subsection (4) for “his” substitute “its”.
- 15.** In section 57 (production of documents and provision of information for certain purposes)—
- (a) in subsection (1) for “him” substitute “it”; and
 - (b) in subsection (3) for “him” substitute “it” and for “his” substitute “its”.
- 16.** In section 58 (appointment of inspectors and calling of special meetings), in subsection (1) omit “, with the consent of the Department”.
- 17.** In section 59 (amalgamation of societies), in subsection (4) for “him” substitute “it”.
- 18.** In section 61 (conversion into, or transfer of engagements to, company), in subsection (2)(8) for “signature of the registrar,” substitute “registrar’s seal”.
- 19.** In section 66A(9), in subsection (2)(a) for sub-paragraph (ii) substitute—
- “(ii) fees paid before 6th April 2018 to the officer appointed to perform in Northern Ireland the functions of a registrar of credit unions;”.
- 20.** In section 69 (decision of disputes)—
- (a) in subsection (1) for “(2)” substitute “(3A)”;
 - (b) omit subsection (2);
 - (c) in subsection (3) omit “or (2)”;
 - (d) after subsection (3) insert—
- “(3A) Any dispute which would, under the rules of a registered society, fall to be determined by the registrar is to be referred to the county court(10) for determination.”;
- (e) in subsection (7)(11)—
- (i) for paragraph (a) substitute—
- “(a) the county court may order the expenses of the hearing or determination to be paid out of the society’s funds or by such parties to the dispute as the court considers appropriate;”;
- (ii) in paragraph (b) for “as might be granted by the registrar” substitute “as it considers necessary for the just and expeditious disposal of the dispute”;
- (f) in subsection (8)(12)—

(7) Section 43C was inserted by S.I. 1997/2984 (N.I. 22).

(8) Section 61(2) was amended by S.I. 2009/1941.

(9) Section 66A was inserted by the Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016, section 13.

(10) “County court” means a county court held under the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3)) (see the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)), section 42(1)).

(11) Section 69(7) was amended by the Arbitration Act 1996 (c. 23), Schedule 3, paragraph 26(1) and (2).

(12) Section 69(8) was substituted by the Arbitration Act 1996 (c. 23), Schedule 3, paragraph 26(3).

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- (i) for “or registrar to whom” substitute “to which”;
 - (ii) for “(2)” substitute “(3A)”; and
 - (g) omit subsection (9).
- 21.** In section 97 (regulations)—
- (a) in subsection (1) omit paragraphs (a) to (d); and
 - (b) omit subsection (3).
- 22.** In section 98 (form, deposit and evidence of documents)—
- (a) in subsection (1) omit “and subject to any regulations made under this Act”;
 - (b) in subsection (2) omit the words from the beginning to “, and”; and
 - (c) after subsection (2) insert—
 - “(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.”.
- 23.** After section 98 insert—

“Form etc of electronic documents

- 98A.**—(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.

Power of registrar to impose requirements as to form etc of electronic documents

- 98B.**—(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—
 - (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.

Fees for inspection and copying of documents

98C. 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).”.

24. Omit section 99 (exercise of functions of registrar) and section 100 (annual reports by registrar).

25. In section 101(1) (interpretation)—

- (a) for the definition of “registrar”(13) substitute—

““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(14);”;

- (b) after the definition of “the Department” insert—

““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);

“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;”.

26. In section 102 (Great Britain societies)—

- (a) for subsection (2) substitute—

“(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.” ; and

- (b) in subsection (3)—

- (i) for “copies of the rules of a registered Great Britain society are recorded” substitute “the registrar files a notice”;

- (ii) for the words from “that society”, where they first appear, to “those rules”, where they first appear, substitute “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”.

(13) The definition was amended by the Friendly Societies Act 1992, Schedule 21, paragraph 21. The registrar was the officer appointed to perform in Northern Ireland the functions of a registrar of friendly societies, and by virtue of this amendment became the officer appointed to perform in Northern Ireland the functions of a registrar of credit unions.

(14) 1974 c. 46. See [S.I. 2001/3729](#) for the form of the seal of the FCA to be used for certain purposes under enactments relating to mutual societies.