



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

1969 CHAPTER 24

PART II **N.I.**

REGISTERED SOCIETIES

N.I.

DISPUTES, OFFENCES AND LEGAL PROCEEDINGS

69 Decision of disputes. **N.I.**

(1) Subject to subsections [^{F1}(3A)], (4) and (5), every dispute between a registered society or an officer thereof and—

- (a) a member of the society; or
- (b) any person aggrieved who has ceased to be a member of the society not more than six months previously; or
- (c) any person claiming through a member of the society or any such person aggrieved; or
- (d) any person claiming under the rules of the society;

shall, if the society's rules give directions as to the manner in which such disputes are to be decided, be decided in that manner.

^{F2}(2)

(3) A decision made under subsection (1) ^{F3}... on any dispute shall be binding and conclusive on all parties without appeal; and—

- (a) the decision shall not be removable into any court of law or restrainable by injunction; and
- (b) application for the enforcement of the decision may be made to the county court.

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[^{F4}(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 for determination.]

(4) Subject to subsection (5), any dispute directed by the rules of a registered society to be referred to justices shall be determined by a court of summary jurisdiction.

(5) Where, whether by virtue of subsection (4) or otherwise, a dispute is cognisable under the rules of a registered society by a court of summary jurisdiction, the parties to the dispute may by agreement refer the dispute to the county court, which may hear and determine it.

(6) Where the rules of a registered society contain no direction as to disputes, or where no decision is made on a dispute within forty days after application to the society for a reference under its rules, any person such as is mentioned in subsection (1)(a) to (d) who is a party to the dispute may apply either to the county court or to a court of summary jurisdiction, which may hear and determine the matter in dispute.

(7) ^{F5}For the purposes of the hearing or determination of a dispute under this section. . .

[^{F6}(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;]

(b) ^{F5}. . . a court of summary jurisdiction may grant to either party such discovery as to documents and otherwise, or such inspection of documents, being, in the case of discovery to be made on behalf of the society, discovery by such officer of the society as the ^{F5}. . . court may determine, [^{F7}as it considers necessary for the just and expeditious disposal of the dispute] .

[^{F5}(8) The court [^{F8}to which] any dispute is referred under subsections [^{F9}(3A)] to (6) may at the request of either party state a case on any question of law arising in the dispute for the opinion of the High Court.]

^{F10}(9)

F1 Word in s. 69(1) 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. 20(a)** (with art. 3)

F2 S. 69(2) omitted (6.4.2018 immediately after 2016 c. 16 (N.I.), s. 8(2) comes into force) by virtue of The Financial Services Act 2012 (Mutual Societies) Order 2018 (S.I. 2018/323), art. 1, **Sch. 2 para. 20(b)** (with art. 3)

F3 Words in s. 69(3) omitted (6.4.2018 immediately after 2016 c. 16 (N.I.), s. 8(2) comes into force) by virtue of The Financial Services Act 2012 (Mutual Societies) Order 2018 (S.I. 2018/323), art. 1, **Sch. 2 para. 20(c)** (with art. 3)

F4 S. 69(3A) 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. 20(d)** (with art. 3)

F5 1996 c. 23

F6 S. 69(7)(a) 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. 20(e) (i)** (with art. 3)

F7 Words in s. 69(7)(b) 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. 20(e)(ii)** (with art. 3)

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- F8** Words in s. 69(8) 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. 20(f)(i)** (with art. 3)
- F9** Word in s. 69(8) 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. 20(f)(ii)** (with art. 3)
- F10** S. 69(9) omitted (6.4.2018 immediately after 2016 c. 16 (N.I.), s. 8(2) comes into force) by virtue of The Financial Services Act 2012 (Mutual Societies) Order 2018 (S.I. 2018/323), art. 1, **Sch. 2 para. 20(g)** (with art. 3)

70 General offences by societies, etc. **N.I.**

If any registered society, or any officer or member thereof, or any other person—

- (a) fails to give any notice, send any return or other document, do anything or allow anything to be done which that society, officer, member or other person is by this Act required to give, send, do or allow to be done, as the case may be; or
- (b) wilfully neglects or refuses to do any act, or to furnish any information, required for the purposes of this Act by the registrar or by any other person authorised under this Act, or does anything forbidden by this Act; or
- (c) makes a return required by this Act, or wilfully furnishes information so required, which is in any respect false or insufficient,

that society, officer, member or other person, as the case may be, shall be guilty of an offence and liable on summary conviction to a fine not exceeding^{F11} £200].

F11 1984 NI 3

71 Offences by societies to be also offences by officers, etc. **N.I.**

Every offence committed by a registered society under this Act shall be deemed to have been also committed by every officer of that society bound by the society's rules to fulfil the duty of which that offence is a breach or, if there is no such officer, by every member of the society's committee who is not proved to have been ignorant of, or to have attempted to prevent, the commission of that offence.

72 Continuing offences. **N.I.**

Every act or default under this Act constituting an offence shall, if continued, constitute a new offence in every week during which it continues.

73 Punishment of fraud or misappropriation. **N.I.**

- (1) Subject to subsection (2), any person who obtains possession by false representation or imposition of any property of a registered society, or having any such property in his possession withholds or misapplies it or wilfully applies any part of it to purposes which are not authorised by the rules of the society or which are not in accordance with this Act, shall be guilty of an offence and liable on summary conviction to a fine not exceeding^{F12} level 2 on the standard scale] with costs or expenses and to be ordered to deliver up that property or to repay all moneys improperly applied and, in default of such delivery or repayment or of the payment of any such fine, to be imprisoned for a

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term not exceeding three months; but nothing in this subsection shall prevent any such person from being proceeded against by way of indictment for any offence if he has not previously been convicted in respect of the same matters under this subsection.

- (2) If on proceedings under subsection (1) it is not proved that the person charged acted with any fraudulent intent, he may be ordered to deliver up any property belonging to the society or to repay any money improperly applied, with costs or expenses, but shall not be liable to conviction under that subsection.

F12 1984 NI 3

74 **Penalty for falsification.** N.I.

If any person, with intent to falsify it or to evade any of the provisions of this Act, wilfully makes, or orders or allows to be made, any entry or erasure in, or omission from, any balance sheet of a registered society, or any contribution or collecting book, or any return or document required to be sent, produced or delivered for the purposes of this Act, or any account or balance sheet authorised by this Act to be displayed, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding^[F13] level 3 on the standard scale].

F13 1984 NI 3

75 **Institution of proceedings.** N.I.

- (1) Proceedings for the recovery of a fine which under this Act is recoverable on the summary conviction of the offender may be instituted by, and only by, the following persons, that is to say—
- (a) in the case of proceedings by virtue of section 73(1)—
 - (i) the registered society concerned; or
 - (ii) any member of that society authorised by the society or its committee or by the registrar; or
 - (iii) the registrar;
 - (b) in the case of proceedings by virtue of section 12(3), the registered society concerned;
 - (c) in any other case, the registrar or any person aggrieved.
- (2) Notwithstanding any limitation on the time for the taking of proceedings contained in any Act, any proceedings such as are mentioned in subsection (1) which are instituted by the registrar may be brought at any time within one year of the first discovery of the offence by the registrar, but not in any case more than three years after the commission of the offence.
- (3) Where proceedings are taken against a registered society for the recovery of any fine under this Act, the summons or other process shall be sufficiently served by leaving a true copy thereof at the registered office of the society or if that office is closed, by posting that copy on the outer door of that office.

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76 Recovery of costs, etc. N.I.

Any costs or expenses ordered or directed by the registrar to be paid by any person under this Act shall be recoverable summarily as a civil debt.

F1477 Application of Part II to credit unions. N.I.

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<p>F14 S. 77 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. 55</p>

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