



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

1969 CHAPTER 24

PART II

REGISTERED SOCIETIES

CANCELLATION, SUSPENSION OR REFUSAL OF REGISTRATION OF SOCIETY OR RULES

15 Cancellation of registration of society.

- (1) Subject to the provisions of this section and section 17(1)(c), and without prejudice to sections 59(6), 60(3) and 61(4), the registrar may, [^{F1}in writing], cancel the registration of any registered society—
- (a) if at any time it is proved to [^{F2}the registrar's] satisfaction—
 - (i) that the number of members of the society has been reduced, in the case of a society for the time being consisting solely of registered societies, to less than two or, in any other case, to less than [^{F3}three]; or
 - (ii) that an acknowledgment of registration has been obtained by fraud or mistake; or
 - (iii) that the society has ceased to exist;
 - (b) if [^{F4}the registrar] thinks fit, at the request of the society, to be evidenced in such manner as [^{F4}the registrar] shall from time to time direct;
 - (c) [^{F5}if at any time] —
 - (i) [^{F6}it is proved to the registrar's] satisfaction that the society exists for an illegal purpose, or has wilfully and after notice from [^{F7}the registrar] violated any of the provisions of this Act or any enactment repealed thereby; or
 - (ii) [^{F8}...it appears to [^{F9}the registrar] that [^{F10}the relevant registration condition is not met] in the case of that society; or
 - (iii) in the case of a society whose registered rules contain such a provision as is authorised by section 11, [^{F11}... it appears to [^{F12}the registrar]

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that the society no longer consists mainly of such members as are mentioned in that section or that the activities carried on by it do not mainly consist in making advances to its members for such purposes as are so mentioned.

[^{F13}(1A) For the purposes of subsection (1)(c)(ii) the relevant registration condition is not met if—

- (a) in the case of a society registered as a co-operative society, the condition in section 1(2)(a)(i) is not met;
- (b) in the case of a society registered as a community benefit society, the condition in section 1(2)(a)(ii) is not met;
- (c) in the case of a pre-2016 Act society, neither of the conditions in section 1(2)(a) is met.]

(2) Subsection (1)(c)(ii) shall not authorise the cancellation of the registration of any society to which section 4 applies which was registered or deemed to be registered under the Act of 1893 before 26th July 1938 if no invitation to subscribe for or to acquire or offer to acquire securities, or to lend or deposit money, has been made on or after that date by or on behalf of the society.

(3) Not less than two months previous notice in writing specifying briefly the ground of the proposed cancellation shall be given by the registrar to a society before its registration is cancelled otherwise than—

- (a) at its own request; or
- (b) by virtue of section 59(6), 60(3) or 61(4);

and if before the expiration of the period of that notice the society duly lodges an appeal under section 17(1)(c), then, without prejudice to section 16(2), the society's registration shall not be cancelled before the date of the determination or abandonment of the appeal.

(4) Where the ground specified in any notice under subsection (3) is that referred to in subsection (1)(c)(ii)—

- (a) the registrar shall consider any representations with respect to the proposed cancellation made to [^{F14}the registrar] by the society within the period of duration of the notice and, if the society so requests, afford it an opportunity of being heard by [^{F14}the registrar] before its registration is cancelled;
- (b) if it appears to the registrar at any time after the expiration of one month from the date of the giving of the notice that there have not been taken the steps which by that time could reasonably have been taken for the purpose—
 - (i) of converting the society into, or transferring its engagements to, a company in accordance with section 61; or
 - (ii) of dissolving the society under section 64;

[^{F15}the registrar] may give such directions as [^{F15}the registrar] thinks fit for securing that the affairs of the society are wound up before cancellation of the registration takes effect.

(5) Any person who contravenes or fails to comply with any directions given by the registrar under subsection (4)(b) shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F16} level 3 on the standard scale] or to imprisonment for a term not exceeding three months or to both.

(6) Notice of every cancellation under this section of a society's registration shall, as soon as practicable after it takes place, be published in the Belfast Gazette and in any other

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manner which the registrar considers necessary for bringing the cancellation to the notice of persons affected thereby.

- (7) From the date of the publication in the Belfast Gazette under subsection (6) of a notice of the cancellation of a society's registration, the society shall absolutely cease to be entitled to any of the privileges of this Act as a registered society, but without prejudice to any liability actually incurred by the society which may be enforced against it as if the cancellation had not taken place.

- F1** Words in s. 15(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. 7\(a\)\(i\)](#) (with art. 3)
- F2** Words in s. 15(1)(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. 7\(a\)\(ii\)](#) (with art. 3)
- F3** 1997 NI 22
- F4** Words in s. 15(1)(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. 2\(b\)](#) (with art. 3)
- F5** Words in s. 15(1)(c) 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. 7\(a\)\(iii\)\(aa\)](#)(with art. 3)
- F6** Words in s. 15(1)(c)(i) 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. 7\(a\)\(iii\)\(cc\)](#)(with art. 3)
- F7** Words in s. 15(1)(c)(i) 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. 7\(a\)\(iii\)\(bb\)](#)(with art. 3)
- F8** Words in s. 15(1)(c)(ii) 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. 7\(a\)\(iii\)\(dd\)](#) (with art. 3)
- F9** Words in s. 15(1)(c)(ii) 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. 7\(a\)\(iii\)\(bb\)](#) (with art. 3)
- F10** Words in s. 15(1)(c)(ii) substituted (6.4.2018) by [Credit Unions and Co-operative and Community Benefit Societies Act \(Northern Ireland\) 2016 \(c. 16\)](#), s. 17(2), [Sch. 1 para. 12\(2\)](#); S.R. 2017/217, art. 2(d)
- F11** Word in s. 15(1)(c)(iii) 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. 7\(a\)\(iii\)\(ee\)](#) (with art. 3)
- F12** Words in s. 15(1)(c)(iii) 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. 7\(a\)\(iii\)\(bb\)](#) (with art. 3)
- F13** S. 15(1A) inserted (6.4.2018) by [Credit Unions and Co-operative and Community Benefit Societies Act \(Northern Ireland\) 2016 \(c. 16\)](#), s. 17(2), [Sch. 1 para. 12\(3\)](#); S.R. 2017/217, art. 2(d)
- F14** Words in s. 15(4)(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. 7\(b\)](#) (with art. 3)
- F15** Words in s. 15(4)(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. 2\(b\)](#) (with art. 3)
- F16** 1984 NI 3

Changes to legislation: There are currently no known outstanding effects for the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969, Section 15. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 15 applied (with modifications) (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. 2** (as amended (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. 4 para. 8(5)** (with art. 3))

Changes to legislation:

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