



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

## 1969 CHAPTER 24

### PART II **N.I.**

#### REGISTERED SOCIETIES

#### **N.I.**

#### CANCELLATION, SUSPENSION OR REFUSAL OF REGISTRATION OF SOCIETY OR RULES

#### 15 Cancellation of registration of society. **N.I.**

- (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, [<sup>F1</sup>in writing], cancel the registration of any registered society—
- (a) if at any time it is proved to [<sup>F2</sup>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 [<sup>F3</sup>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 [<sup>F4</sup>the registrar] thinks fit, at the request of the society, to be evidenced in such manner as [<sup>F4</sup>the registrar] shall from time to time direct;
  - (c) [<sup>F5</sup>if at any time] —
    - (i) [<sup>F6</sup>it is proved to the registrar's] satisfaction that the society exists for an illegal purpose, or has wilfully and after notice from [<sup>F7</sup>the registrar] violated any of the provisions of this Act or any enactment repealed thereby; or

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- (ii) <sup>F8</sup>...it appears to [<sup>F9</sup>the registrar] that [<sup>F10</sup>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, <sup>F11</sup>... it appears to [<sup>F12</sup>the registrar] 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.

<sup>F13</sup>(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 [<sup>F14</sup>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 [<sup>F14</sup>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;

[<sup>F15</sup>the registrar] may give such directions as [<sup>F15</sup>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

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conviction to a fine not exceeding<sup>F16</sup> 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 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)

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**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

**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))

**16 Suspension of registration of society. N.I.**

- (1) Where under section 15(1)(c) the registrar might <sup>F17</sup>... cancel the registration of a registered society, he may, [<sup>F18</sup>in writing] —
  - (a) subject to subsection (3), suspend the registration of that society for any term not exceeding three months; and
  - (b) <sup>F19</sup>... subject to section 17(1)(d), from time to time renew any such suspension for the like period.
- (2) Where before the expiration of the period of a notice under section 15(3) of the proposed cancellation of a society's registration, that society duly lodges an appeal from the proposed cancellation under section 17(1)(c), the registrar may [<sup>F20</sup>in writing] suspend the society's registration from the expiration of that period until the date of the determination or abandonment of the appeal.
- (3) Not less than two months previous notice in writing specifying briefly the ground of the proposed suspension shall be given by the registrar to a society before its registration is suspended under subsection (1)(a).
- (4) Notice of every suspension of a society's registration under subsection (1)(a) or (2) and of any renewal of a suspension under subsection (1)(b) shall, as soon as practicable after it takes place, be published in the Belfast Gazette and in any other manner which the registrar considers necessary for bringing the suspension to the notice of persons affected thereby.
- (5) From the date of the publication in the Belfast Gazette of a notice under subsection (4) of the suspension of any society's registration under subsection (1)(a) or (2) until the period of that suspension and any renewal thereof under subsection (1)(b) ends (whether on the expiration of that period or on a successful appeal under section 17(1)(d) from such a renewal) the society shall not 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 suspension had not taken place.

**F17** Words in s. 16(1) 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. 8(a)(i)** (with art. 3)

**F18** Words in s. 16(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. 8(a)(ii)** (with art. 3)

**F19** Words in s. 16(1)(b) 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. 8(a)(iii)** (with art. 3)

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**F20** Words in s. 16(2) 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. 8(b)** (with art. 3)

## 17 Appeal from refusal, cancellation or suspension of registration of society or rules. **N.I.**

- (1) <sup>F21</sup> A society may appeal to the High Court from any decision of the registrar—
- (a) to refuse registration of the society (including a refusal by reason only of anything contained in or omitted from the society's rules) on any ground other than that [<sup>F22</sup>the registrar] is not satisfied that either of the conditions specified in section 1(2) is fulfilled; or
  - (b) to refuse registration of any amendment of the society's rules; or
  - (c) to cancel the society's registration (being a cancellation of which notice is required under section 15(3), and not being a cancellation by virtue of section 15(1)(c)(ii)) if the appeal is lodged before the expiration of the period of notice of the proposed cancellation given under section 15(3); or
  - (d) to renew under section 16(1)(b) a suspension of the society's registration so far as that renewal provides for the suspension to continue more than three months from the original date of suspension.
- (2) If any decision such as is mentioned in subsection (1)(a) or (b) is overruled on appeal, the registrar shall thereupon issue to the society an acknowledgment of registration of the society under section 2(3), or, as the case may be, of the amendment under section 9(3).

**F21** 1981 NI 3

**F22** Words in s. 17(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. 2(c)** (with art. 3)

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