

## STATUTORY INSTRUMENTS

# 1985 No. 1205

## The Credit Unions (Northern Ireland) Order 1985

### Rules

#### *Rules*

**8.—(1)** The rules of a credit union shall be in such form as the [<sup>F1</sup>FCA] may determine and shall contain—

- (a) provision with respect to the matters mentioned in Schedule 1;
- (b) such additional provisions as the registrar may determine.

[<sup>F2</sup>(1A) The rules of a credit union must not be inconsistent with the 2000 Act or any rules made or any requirements imposed by or under that Act.]

(2) An acknowledgement of the registration of a credit union issued under Article 4(2) shall also constitute an acknowledgement, and be conclusive evidence, of the registration under this Order of the rules of that credit union in force at the date of the credit union's registration.

**F1** Word in art. 8(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. 3 para. 2(f)** (with art. 3)

**F2** Art. 8(1A) inserted (31.3.2012) by [Financial Services and Markets Act 2000 \(Permissions, Transitional Provisions and Consequential Amendments\) \(Northern Ireland Credit Unions\) Order 2011 \(S.I. 2011/2832\)](#), arts. 1(2), **13(7)**

#### *Supplementary provisions as to rules*

**9.—(1)** The rules of a credit union or any schedule to those rules may specify the form of any instrument necessary for carrying the purposes of the credit union into effect.

(2) The rules of a credit union may impose reasonable fines (not exceeding £100) on persons who contravene any of those rules.

(3) Where, within such reasonable time as may be specified in the rules, a person has failed to pay any fine imposed by the rules of a credit union under paragraph (2), the credit union may cancel the membership of that person of the credit union.

(4) Any provision of, or of any instrument made under, this Order or any other statutory provision requiring or authorising the rules of a credit union to deal with particular matters shall be without prejudice to the power of such a credit union 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 statutory provision and which are not otherwise unlawful.

#### *Amendment or registered rules*

**10.—(1)** The rules of a credit union shall not be amended except by a resolution passed by not less than two-thirds of the members present at a general meeting called for the purpose after the giving of such notice as is by the rules required for such a resolution.

**Status:** Point in time view as at 06/04/2018.

**Changes to legislation:** The Credit Unions (Northern Ireland) Order 1985, Rules is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) Subject to paragraph (3), any amendment of a credit union's rules as for the time being registered under this Order shall not be valid until the amendment has been so registered, for which purpose there shall be sent to the [F3FCA] 2 copies of the amendment signed by 3 members and the secretary of the credit union.

(3) Paragraph (2) shall not apply to a change in the situation of a credit union's registered office or in the name of a credit union; but—

- (a) notice of any change in the situation of a credit union's registered office shall, not later than 14 days from the date of that change, be sent to the [F4FCA] ; and
- (b) where such a notice is duly sent, or where a change in the name of a credit union is made in accordance with Article 7, the change in the situation of the credit union's registered office or, as the case may be, the change in the credit union's name shall be registered by the [F4FCA] as an amendment of the credit union's rules.

(4) Subject to paragraph (7), the [F5FCA] , on being satisfied that any amendment of a credit union's rules is not contrary to the provisions of this Order, shall issue to the credit union in respect of that amendment an acknowledgement of registration [F6, bearing the FCA's seal,] which shall be conclusive evidence that it is duly registered.

(5) Notwithstanding anything in the rules of any credit union, the board of directors of a credit union may by resolution passed during the appropriate period make such amendments of the rules of the credit union as may be consequential on the provisions of this Order.

(6) For the purposes of paragraph (5) the appropriate period, in relation to any credit union, shall be whichever is the longer of the following two periods, that is to say—

- (a) a period of 1 year beginning with the date of the coming into operation of this Article, and
- (b) a period beginning with the date of the coming into operation of this Article and ending with the date on which an amendment of the rules of that credit union is first registered after that date under paragraph (4).

(7) Notwithstanding anything in paragraph (4), after the end of 1 year beginning with the date of the coming into operation of this Article, the [F7FCA] shall not be required to register any amendment of a credit union's rules unless such consequential amendments of the rules of that credit union as are mentioned in paragraph (5) either have been made before the application for registration of that amendment or are to be effected by that amendment.

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| <b>F3</b> | Word in art. 10(2) substituted (6.4.2018 immediately after 2016 c. 16 (N.I.), s. 8(2) comes into force) by <a href="#">The Financial Services Act 2012 (Mutual Societies) Order 2018 (S.I. 2018/323)</a> , art. 1, <b>Sch. 3 para. 2(g)</b> (with art. 3) |
| <b>F4</b> | Word in art. 10(3) substituted (6.4.2018 immediately after 2016 c. 16 (N.I.), s. 8(2) comes into force) by <a href="#">The Financial Services Act 2012 (Mutual Societies) Order 2018 (S.I. 2018/323)</a> , art. 1, <b>Sch. 3 para. 2(g)</b> (with art. 3) |
| <b>F5</b> | Word in art. 10(4) substituted (6.4.2018 immediately after 2016 c. 16 (N.I.), s. 8(2) comes into force) by <a href="#">The Financial Services Act 2012 (Mutual Societies) Order 2018 (S.I. 2018/323)</a> , art. 1, <b>Sch. 3 para. 2(g)</b> (with art. 3) |
| <b>F6</b> | Words in art. 10(4) substituted (6.4.2018 immediately after 2016 c. 16 (N.I.), s. 8(2) comes into force) by <a href="#">The Financial Services Act 2012 (Mutual Societies) Order 2018 (S.I. 2018/323)</a> , art. 1, <b>Sch. 3 para. 8</b> (with art. 3)   |
| <b>F7</b> | Word in art. 10(7) substituted (6.4.2018 immediately after 2016 c. 16 (N.I.), s. 8(2) comes into force) by <a href="#">The Financial Services Act 2012 (Mutual Societies) Order 2018 (S.I. 2018/323)</a> , art. 1, <b>Sch. 3 para. 2(g)</b> (with art. 3) |

### **Rules to bind members**

**11.**—(1) Subject to paragraph (2) the registered rules of a credit union shall bind the credit union and all members of it and all persons claiming through them respectively to the same extent as if each member had subscribed his name and affixed his seal to those rules and there were contained in those rules a covenant on the part of each member and any person claiming through him to conform to those rules subject to the provisions of this Order.

(2) A member of a credit union shall not, without his consent in writing having been first obtained, be bound by any amendment of the credit union's rules registered after he became a member 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 credit union.

### **Provision of copies of rules**

**12.**—<sup>F8</sup>(1) A credit union must, on demand, give a copy of its registered rules—

- (a) free of charge to any member of the credit union who has not previously been given a copy of those rules;
- (b) to any other person upon payment of such fee (not exceeding £5) as the credit union may determine.

(1A) The Department may by regulations substitute for the amount for the time being specified in paragraph (1)(b) such other amount as it considers appropriate.]

(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 Order on the pretence that they are the existing rules, or that there are no other rules, of a credit union; or
- (b) a copy of the rules of a society which is not registered under this Order on the pretence that they are the rules of a credit union,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

**F8** Art. 12(1)-(1A) substituted for art. 12(1) (23.4.2016) by [Credit Unions and Co-operative and Community Benefit Societies Act \(Northern Ireland\) 2016 \(c. 16\), ss. 5, 17](#)

**Status:**

Point in time view as at 06/04/2018.

**Changes to legislation:**

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