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STATUTORY INSTRUMENTS

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**2006 No. 314**

**The Industrial and Provident Societies  
(Northern Ireland) Order 2006**

*Miscellaneous*

**Community benefit societies: power to restrict use of assets**

9.—(1) The Department may by regulations make provision for enabling any community benefit society, or any community benefit society of a prescribed kind, to ensure that—

- (a) assets of the society of a prescribed kind,
- (b) assets of the society specified by it in accordance with the regulations, or
- (c) all of the society's assets,

cannot be used or dealt with except in a case mentioned in paragraph (2).

(2) The cases are—

- (a) where the use or dealing is, directly or indirectly, for a purpose that is for the benefit of the community and is of a prescribed kind or, if no kinds of purpose are prescribed under this sub-paragraph, for any purpose that is for the benefit of the community; or
- (b) where the circumstances are such as may be prescribed.

(3) Where under the regulations a society has ensured as mentioned in paragraph (1) as respects any of its assets, the assets concerned shall be “dedicated assets” for the purposes of this Article.

(4) Regulations under this Article may, in particular—

- (a) provide for the procedure by which a society may ensure as mentioned in paragraph (1);
- (b) provide for such of a society's registered rules as are of a prescribed kind to be unalterable, or for them to be alterable only in prescribed circumstances or in circumstances specified in rules of a prescribed kind;
- (c) provide that, in any circumstances prescribed under paragraph (2)(b), dedicated assets shall be dealt with in a prescribed way;
- (d) make provision for ensuring that any society, company or other person to whom any dedicated assets are transferred in prescribed circumstances cannot use or deal with those assets except in a case mentioned in paragraph (2);
- (e) provide for members of a society who lose property rights as a result of the society's ensuring as mentioned in paragraph (1) to be compensated for that loss (whether by payment of a prescribed amount or of an amount determined in a prescribed way or otherwise), subject to such exceptions as may be prescribed;
- (f) provide for the enforcement of provisions designed to ensure as mentioned in paragraph (1);
- (g) make provision for the carrying out of investigations by persons appointed by a prescribed person;

- (h) confer power on a prescribed person to require persons of a prescribed description to provide him with information in order to enable or assist him to perform any of his functions under the regulations;
  - (i) provide for restrictions on the use and disclosure of information obtained by any person in the performance of any function under the regulations.
- (5) Regulations under this Article may—
- (a) impose criminal liability;
  - (b) confer functions on a prescribed person;
  - (c) confer jurisdiction on any court;
  - (d) authorise a prescribed person to make rules, binding on persons of a prescribed description, for the purpose of enabling or assisting him to perform any of his functions under the regulations;
  - (e) make provision as to the making, publication and enforcement of such rules;
  - (f) provide for a prescribed person to charge fees sufficient to meet the costs of performing any of his functions under the regulations;
  - (g) modify, exclude or apply (with or without modifications) any statutory provision or rule of law;
  - (h) contain such incidental, consequential and supplemental provision as the Department considers appropriate.
- (6) Regulations under this Article may not create any new criminal offence punishable with imprisonment for more than seven years.
- (7) No regulations may be made under this Article unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.
- (8) In this Article—
- “community benefit society” means a society registered (or deemed to be registered) under the principal Act which fulfils the condition in section 1(2)(b) of that Act;
  - “prescribed” means prescribed by regulations under this Article;
  - “registered rules” has the same meaning as in the principal Act.