



Industrial and Provident Societies Act 1965

1965 CHAPTER 12

Miscellaneous and general

69 Remuneration of county court registrars

Registrars of county courts shall be remunerated for any duties to be performed by them under this Act in such manner as the Treasury may with the consent of the Lord Chancellor from time to time direct.

70 Fees

- (1) The Treasury may determine a scale of fees to be paid for matters to be transacted or for the inspection of documents under this Act.
- (2) All fees received by any registrar under or by virtue of this Act shall be paid into the Exchequer.

71 Regulations

- (1) The Treasury may make regulations respecting registration and procedure under this Act, the forms to be used for such registration, and the duties and other functions of, and the inspection of documents kept by, the appropriate registrar under this Act, and generally for carrying this Act into effect.
- (2) Any such regulations may impose reasonable fines on persons who contravene or fail to comply with any of those regulations; and any such fine shall be recoverable on the summary conviction of the offender.
- (3) Any regulations made under this section shall be made by statutory instrument and shall be laid before Parliament after they are made.

72 Form, deposit and evidence of documents

- (1) Subject to any regulations under section 71 of this Act, every return and other document required for the purposes of this Act shall be made in such form and shall contain such particulars, and shall be deposited and registered or recorded, with or without observations thereon, in such manner, as the chief registrar may direct.
- (2) Every document bearing the seal or stamp of the central office, including in particular any document purporting to be a copy or extract of a registered society's rules or of any other instrument or document whatsoever, shall be received in evidence without further proof; and every document purporting to be signed by the chief registrar or any assistant registrar or by any inspector or approved auditor under this Act shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.

73 Registrars, central office, etc.

- (1) In this Act—
 - (a) the expressions " chief registrar" and " assistant registrar" mean respectively the chief registrar of friendly societies appointed under the Friendly Societies Act 1896 and an assistant registrar of friendly societies so appointed ;
 - (b) the expression " central office " means the central office established under the said Act of 1896 ;
 - (c) the expression " appropriate registrar" in relation to any society registered, to be registered or deemed to be registered, under this Act means—
 - (i) if the society's registered office is for the time being, or, as the case may be, is to be, in England, Wales or the Channel Islands, the central office;
 - (ii) if the society's registered office is for the time being, or, as the case may be, is to be, in Scotland, the assistant registrar for Scotland;
 and, except where the context otherwise requires, any reference in this Act to a registrar shall be construed as including the chief and any assistant registrar.
- (2) Sections 3, 4(2) and (3), and 6 of the said Act of 1896 (which relate to the duties of the chief and assistant registrars under that Act) shall apply for the purposes of this Act as they apply for the purposes of that Act.

74 Interpretation—general

In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

- " Act of 1893 ", means the Industrial and Provident Societies Act 1893 ;
- " amendment ", in relation to the rules of a registered society, includes a new rule, and a resolution rescinding a rule, of the society ;
- " committee ", in relation to a society, means the committee of management or other directing body of the society;
- " Companies Acts " includes the Companies Act 1948, any earlier enactment for the like purposes which has been repealed, and any law for the like purposes which is or has been in force in Northern Ireland or any of the Channel Islands;
- " Gazette ", in relation to a registered society, means such one or more of the following as may be appropriate in the circumstances of the case, that is to say—

- (a) the London Gazette if the society's registered office is situated, or its rules are recorded, in England, Wales or the Channel Islands ;
 - (b) the Edinburgh Gazette if the society's registered office is situated, or its rules are recorded, in Scotland;
 - (c) the Belfast Gazette if the society's rules are recorded in Northern Ireland ;
- " heritable security " has the same meaning as in the Conveyancing (Scotland) Act 1924 except that it includes a security constituted by ex facie absolute disposition or assignation;
- " land " includes hereditaments and chattels real, and in Scotland, heritable subjects of whatever description;
- " meeting ", in relation to a society, includes, where the rules of that society so allow, a meeting of delegates appointed by members;
- " officer ", in relation to a registered society, includes any treasurer, secretary, member of the committee, manager or servant of the society other than a servant appointed by the society's committee, but does not include an approved auditor to whom the society's accounts are submitted for audit;
- " persons claiming through a member ", in relation to a registered society, includes the heirs, executors or administrators and assignees of a member and, where nomination is allowed, his nominee;
- " prescribed " means prescribed by regulations under section 71 of this Act;
- " property " includes all real, personal or heritable and moveable estate, including books and papers;
- " registered " in relation to the name or an office of a society means for the time being registered under this Act;
- " registered rules ", in relation to a registered society, means the rules of the society registered or deemed to be registered under this Act as for the time being in force after any amendment thereof so registered;
- " registered society " means, subject to section 76 of this Act, a society registered or deemed to be registered under this Act.

75 Channel Islands

- (1) Subject to any express provision of this Act with respect to the Channel Islands, this Act in its application to those Islands shall have effect subject to such adaptations and modifications as Her Majesty may by Order in Council specify.
- (2) Any Order in Council under the foregoing subsection may be varied or revoked by a subsequent Order in Council so made.

76 Northern Ireland societies

- (1) Where, in the case of any society for the time being registered under the law for the time being in force in Northern Ireland for purposes corresponding to those of this Act, copies of that society's rules so registered have been sent to the central office or to the assistant registrar for Scotland to be recorded by that office or registrar and have been so recorded, then, for the purposes of the operation of this Act in the area for which that office or registrar is the appropriate registrar, references to a registered society in such, but such only, of the provisions of this Act as are specified in subsection (2) of this section shall, subject to subsection (3) of this section include a reference to that society, and for the purposes of those provisions that society, those rules and any amendment of those rules registered and recorded as aforesaid shall in that area be

deemed to be a society, rules or an amendment duly registered under this Act by the appropriate registrar for that area.

- (2) The provisions of this Act referred to in the foregoing subsection are sections 2(2), 3, 5(4), (6) and (7), 6(1)(a), 7(1)(b), (2), (3) and (6), 10(1)(a), 13(3), 14, 15, 16(1)(a)(i), 19(2), 22, 26 to 30, 31(6), 32 to 36, 41, 42, 44(5), 45(1), 50, 51, 52(5), 54, 60 to 62, 64 to 66 and 72.
- (3) Nothing in this section shall confer any power or impose any obligation or liability with respect to the taking or refraining from taking of, or a failure to take, any action outside Great Britain and the Channel Islands; and in the application of section 45(1) of this Act by virtue of this section the reference therein to this Act shall be construed as a reference to the law for the time being in force in Northern Ireland for purposes corresponding to those of this Act.
- (4) In relation to any society for the time being registered as mentioned in subsection (1) of this section. Article 22 of the Government of Ireland (Companies, Societies, &c.) Order 1922 shall have effect as if the words from " a society registered in Northern Ireland " to " United Kingdom, and " and the words " both in their application to the United Kingdom exclusive of Northern Ireland and " were omitted.

77 Repeals and savings

- (1) The enactments specified in Schedule 5 to this Act are hereby repealed to the extent respectively specified in the third column of that Schedule.
- (2) Without prejudice to section 4 of this Act, any regulations, application or notice made or given and any other thing whatsoever done under or in pursuance of any of the enactments repealed by this Act shall be deemed for the purposes of this Act to have been made, given or done, as the case may be, under or in pursuance of the corresponding provision of this Act; and anything begun under any of the said enactments may be continued under this Act as if begun under this Act.
- (3) So much of any document as refers expressly or by implication to any enactment repealed by this Act shall, if and so far as the context permits, be construed as referring to this Act or the corresponding enactment therein.
- (4) Nothing in section 4 of this Act or in this section shall be taken as affecting the general application of section 38 of the Interpretation Act 1889 with regard to the effect of repeals.

78 Short title, extent and commencement

- (1) This Act may be cited as the Industrial and Provident Societies Act 1965.
- (2) This Act extends to the Channel Islands but does not extend to Northern Ireland.
- (3) This Act shall come into operation on such day as Her Majesty may by Order in Council appoint.