



# Industrial and Provident Societies Act 1965 (repealed)

## 1965 CHAPTER 12

### *Provisions as to rules*

#### **9 Acknowledgment of registration of rules.**

Without prejudice to section 53(3) of this Act, an acknowledgment of the registration of a society issued under section 2(3) of this Act shall also constitute an acknowledgment, and be conclusive evidence, of the registration under this Act of the rules of that society in force at the date of the society's registration.

#### **10 Amendment of registered rules.**

- (1) Subject to subsection (2) of this section, any amendment of a society's rules as for the time being registered under this Act shall not be valid until the amendment has been so registered, for which purpose there shall be sent to [<sup>F1</sup>the Authority] two copies of the amendment signed—
  - (a) in the case of a society for the time being consisting solely of registered societies, by the secretary of the society and by <sup>F2</sup>. . . the secretary of each [<sup>F3</sup> (or, if more than two, of each of any two)] of the constituent societies;
  - (b) in any other case, by three members and the secretary of the society.
- (2) The foregoing subsection shall not apply to a change in the situation of a society's registered office or in the name of a society; but—
  - (a) notice of any change in the situation of a society's registered office shall be sent to [<sup>F1</sup>the Authority]; and
  - (b) where such a notice is duly sent, or where a change in the name of a registered society is made in accordance with section 5(3) of this Act, the change in the situation of the society's registered office or, as the case may be, the change in the society's name shall be registered by [<sup>F1</sup>the Authority] as an amendment of the society's rules.

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- (3) [<sup>F1</sup>the Authority], on being satisfied that any amendment of a society's rules is not contrary to the provisions of this Act, shall issue to the society in respect of that amendment an acknowledgment of registration [<sup>F4</sup>bearing the Authority's seal]

#### Textual Amendments

- F1** Words in s. 10(1)(2)(a)(b)(3)(b) substituted (1.12.2001) by S.I. 2001/2617, arts. 2(b), 13(1), **Sch. 3 Pt. III para. 215** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F2** S. 10(1)(a) words repealed (1.9.1996) by S.I. 1996/1738, **arts. 1, 4(2)**
- F3** S. 10(1)(a) words substituted (1.9.1996) by S.I. 1996/1738, **arts. 1, 4(2)**
- F4** Words in s. 10(3) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 181(2)**

#### Modifications etc. (not altering text)

- C1** S. 10 excluded by **Friendly and Industrial and Provident Societies Act 1968** (c. 55), **s. 12(3)**
- C2** S. 10 applied (1.10.1996) by 1996 c. 52, s. 7, **Sch. 1 Pt. II para. 9(5)** (with s. 51(4)); S.I. 1996/2402, **art. 3**
- C3** S. 10(3) modified by **Credit Unions Act 1979** (c. 34, SIF 55:3), **s. 4(3)**

## 11 Rules as to fund for purchase of government securities.

- (1) The rules of a society registered or to be registered under this Act may make provision for the setting up and administration by the society of a fund for the purchase on behalf of members contributing to the fund of defence bonds or national saving certificates or such other securities of Her Majesty's Government in the United Kingdom as may for the time being be prescribed under [<sup>F5</sup>section 47(1) of the <sup>M1</sup>Friendly Societies Act 1974] by the [<sup>F6</sup>Treasury]; and any such rules may make provision for enabling persons to become members of the society for the purpose only of contributing to that fund and without being entitled to any rights as members other than rights as contributors to that fund.
- (2) Any rule which, immediately before the commencement of this Act, was included among the registered rules of a registered society by virtue of section 8(3) of the <sup>M2</sup>[<sup>F7</sup>Societies (Miscellaneous Provisions) Act 1940] shall have effect as if it had been duly passed by the society.

#### Textual Amendments

- F5** Words substituted by **Friendly Societies Act 1974** (c. 46), **Sch. 9 para. 18(a)**
- F6** Words in s. 11(1) substituted (1.12.2001) by S.I. 2001/2617, arts. 2(b), 13(1), **Sch. 3 Pt. III para. 217** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F7** Words substituted by **Friendly Societies Act 1974** (c. 46), **Sch. 9 para. 18(b)**

#### Modifications etc. (not altering text)

- C4** S. 11 excluded by **Credit Unions Act 1979** (c. 34, SIF 55:3), **s. 4(5)**

#### Marginal Citations

- M1** 1974 c. 46.
- M2** 1940 c. 19.

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## **12 Rules of agricultural, horticultural or forestry society.**

Where a society registered or to be registered under this Act consists mainly of members who are producers of agricultural or horticultural produce or persons engaged in forestry, or organisations of such producers or persons so engaged, and the object or principal object of the society is the making to its members of advances of money for agricultural, horticultural or forestry purposes, registration under this Act of the rules of the society or any amendment thereof shall not be refused on the ground that the rules provide, or would as amended provide, for the making of such advances without security.

## **13 Supplementary provisions as to rules.**

- (1) The rules of a registered society or any schedule thereto may specify the form of any instrument necessary for carrying the purposes of the society into effect.
- (2) The rules of a registered society may impose reasonable fines on persons who contravene or fail to comply with any of those rules.
- (3) Any fine imposed by the rules of a registered society shall be recoverable on the summary conviction of the offender.
- (4) Any provision of, or of any instrument made under, this or any other Act requiring or authorising the rules of a registered society to deal with particular matters shall be without prejudice to the power of such a society 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 Act and which are not otherwise unlawful.

## **14 Rules to bind members.**

- (1) Subject to subsections (2) and (3) of this section, the registered rules of a registered society shall bind the society and all members thereof and all persons claiming through them respectively to the same extent as if each member had subscribed his name and affixed his seal thereto and there were contained in those rules a covenant on the part of each member and any person claiming through him to conform thereto subject to the provisions of this Act.
- (2) A member of a registered society shall not, without his consent in writing having been first obtained, be bound by any amendment of the society's rules registered after he became a member, being an amendment registered after 27th March 1928, 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 society.
- (3) In the case of a society to which section 4 of this Act applies which was a registered society under the Act of 1893 on 1st January 1894, the society or the members thereof may respectively exercise any power given by this Act and not made to depend on the provisions of the society's rules notwithstanding anything in any of those rules registered before 12th September 1893.
- (4) In its application to Scotland, subsection (1) of this section shall have effect as if the words "and affixed his seal" were omitted.

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## 15 Provision of copies of rules.

- [<sup>F8</sup>(1) A registered society shall, on demand, give a copy of its registered rules—
- (a) free of charge, to any member of the society to whom a copy of those rules has not previously been given; and
  - (b) to any other person, upon payment of such fee as the society may require, not exceeding the specified amount.]

[<sup>F9</sup>(1A) In subsection (1) of this section “specified amount” means £5 or such other amount as the Treasury may specify by order.

(1B) The power to make an order under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

- (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 Act on the pretence that they are the existing rules, or that there are no other rules, of a registered society; or
  - (b) a copy of the rules of a society which is not registered under this Act on the pretence that they are the rules of a registered society,
- he shall be liable on summary conviction to a fine not exceeding [<sup>F10</sup>level 1 on the standard scale].

### Textual Amendments

- F8** S. 15(1) substituted (8.1.2012) by [The Legislative Reform \(Industrial and Provident Societies and Credit Unions\) Order 2011 \(S.I. 2011/2687\)](#), arts. 1(1)(b), **7(a)** (with arts. 25, 26)
- F9** S. 15(1A)(1B) inserted (8.1.2012) by [The Legislative Reform \(Industrial and Provident Societies and Credit Unions\) Order 2011 \(S.I. 2011/2687\)](#), arts. 1(1)(b), **7(b)** (with arts. 25, 26)
- F10** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

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