



Industrial and Provident Societies Act 1965 (repealed)

1965 CHAPTER 12

Registered societies

1 Societies which may be registered.

- (1) Subject to sections 2(1) and 7(1) of this Act, a society for carrying on any industry, business or trade (including dealings of any description with land), whether wholesale or retail, may be registered under this Act if—
 - (a) it is shown to the satisfaction of [^{F1}the Authority] that one of the conditions specified in subsection (2) of this section is fulfilled; and
 - (b) the society's rules contain provision in respect of the matters mentioned in Schedule 1 to this Act; and
 - (c) the place which under those rules is to be the society's registered office is situated in Great Britain or the Channel Islands.
- (2) The conditions referred to in subsection (1)(a) of this section are—
 - (a) that the society is a bona fide co-operative society; or
 - (b) that, in view of the fact that the business of the society is being, or is intended to be, conducted for the benefit of the community, there are special reasons why the society should be registered under this Act rather than as a company under [^{F2}the Companies Acts].
- (3) In this section, the expression “co-operative society” does not include a society which carries on, or intends to carry on, business with the object of making profits mainly for the payment of interest, dividends or bonuses on money invested or deposited with, or lent to, the society or any other person.

Textual Amendments

- F1** Words in s. 1(1)(a) 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)**

Status: Point in time view as at 24/01/2013.

Changes to legislation: There are currently no known outstanding effects for the Industrial and Provident Societies Act 1965 (repealed), Cross Heading: Registered societies. (See end of Document for details)

- F2** Words in s. 1(2)(b) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 14(2)** (with art. 10)

Modifications etc. (not altering text)

- C1** S. 1, Sch. 1 excluded by Credit Unions Act 1979 (c. 34, SIF 55:3), **s. 2(1)**

2 Registration of society.

- (1) Subject to subsection (2) of this section—
- (a) no society shall be registered under this Act if the number of the members thereof is less than ^{F3}three]; and
 - (b) an application for the registration of a society under this Act shall be signed by ^{F3}three] members and the secretary of the society and shall be sent with two ^{F4}... copies of the society's rules to ^{F5}the Authority].
- (2) A society whose members consist solely of two or more registered societies may be registered under this Act if the application for registration is signed by ^{F6}... the secretary of each ^{F7}(or, if more than two, of each of any two)] of the constituent societies and is accompanied by two ^{F8}... copies ^{F6}... of the rules of the society sought to be registered.
- (3) On being satisfied that a society has complied with the provisions of this Act as to registration thereunder, ^{F5}the Authority] shall issue to the society an acknowledgment of registration ^{F9}bearing the Authority's seal]

Textual Amendments

- F3** S. 2(1)(a)(b) word substituted (1.9.1996) by S.I. 1996/1738, **arts. 1, 3(1)**
- F4** Word in s. 2(1)(b) omitted (12.4.2011) by virtue of Mutual Societies (Electronic Communications) Order 2011 (S.I. 2011/593), **arts. 1(1), 25**
- F5** Words in s. 2(1)(b)(3) 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)**
- F6** S. 2(2) words repealed (1.9.1996) by S.I. 1996/1738, **arts. 1, 4(1)(a)(c)**
- F7** S. 2(2) words substituted (1.9.1996) by S.I. 1996/1738, **arts. 1, 4(1)(b)**
- F8** Word in s. 2(2) omitted (12.4.2011) by virtue of Mutual Societies (Electronic Communications) Order 2011 (S.I. 2011/593), **arts. 1(1), 25**
- F9** Words in s. 2(3) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 181(2)**

Modifications etc. (not altering text)

- C2** S. 2(1) modified by Credit Unions Act 1979 (c. 34, SIF 55:3), **s. 6(1)(a)**
- C3** S. 2(3) modified by Credit Unions Act 1979 (c. 34, SIF 55:3), **s. 2(2)**

3 Registration to effect incorporation of society with limited liability.

A registered society shall by virtue of its registration be a body corporate by its registered name, by which it may sue and be sued, with perpetual succession and ^{F10}... limited liability; and that registration shall vest in the society all property for the time being vested in any person in trust for the society, and all legal proceedings pending by or against the trustees of the society may be brought or continued by or against the society in its registered name.

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Textual Amendments

F10 Words in s. 3 repealed (20.10.2003) by [Co-operatives and Community Benefit Societies Act 2003](#) (c. 15), ss. 5(2), 7(1), [Sch.](#); S.I. 2003/2678, art. 2(2)

Modifications etc. (not altering text)

C4 Ss. 3, 16(7) excluded by [Credit Unions Act 1979](#) (c. 34, SIF 55:3), s. 2(5)

4 Existing societies deemed to be registered.

Any society which at the date immediately before the commencement of this Act was registered or deemed to be registered under the ^{M1}Industrial and Provident Societies Act 1893 (hereafter in this Act referred to as “the Act of 1893”), being a society whose registered office was at that date in Great Britain or the Channel Islands, shall be deemed to be registered under this Act; and—

- (a) any acknowledgment of registry of that society issued by virtue of section 5(4), 6 or 7(2) of the Act of 1893 shall be deemed to be an acknowledgment of the registration under this Act of that society and, by virtue of section 9 of this Act, of the rules of the society in force at the date of the acknowledgment;
- (b) any acknowledgment of registry of an amendment of the society’s rules issued by virtue of section 7(2) or 10(3) of the Act of 1893 shall be deemed to be an acknowledgment of the registration of that amendment under this Act;
- (c) any change of the society’s name duly made before the date of commencement of this Act in accordance with section 52 of the Act of 1893 as in force at the time of the change, and any change in the situation of the society’s registered office of which notice was duly given before that date under section 11 of that Act, shall be deemed for the purposes of this Act to be a duly registered amendment of the society’s rules;
- (d) any rules of that society which, having been made before 1st January 1894, continued in force immediately before the commencement of this Act by virtue of section 3 of the Act of 1893 shall be deemed to be registered under this Act.

Marginal Citations

M1 1893 c. 39.

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