



# Industrial and Provident Societies Act 1965 (repealed)

## 1965 CHAPTER 12

*Registers, books, etc.*

### **44 Register of members and officers.**

- (1) Every registered society shall keep at its registered office a register and enter therein the following particulars:—
  - (a) the names and addresses of the members;
  - (b) a statement of the number of shares held by each member and of the amount paid or agreed to be considered as paid on the shares of each member;
  - (c) a statement of other property in the society, whether in loans, deposits or otherwise, held by each member;
  - (d) the date at which each person was entered in the register as a member, and the date at which any person ceased to be a member;
  - (e) the names and addresses of the officers of the society, with the offices held by them respectively, and the dates on which they assumed office.
- (2) The said register may be kept either by making entries in bound books or by recording the matters in question in any other manner; but, where it is not kept by making entries in a bound book but by some other means, adequate precautions shall be taken for guarding against falsification and facilitating its discovery.
- (3) Every registered society shall either—
  - (a) keep at its registered office a duplicate register containing the particulars in the register kept under subsection (1) of this section other than those entered under paragraph (b) or (c) of that subsection; or
  - (b) so construct the register kept under the said subsection (1) that it is possible to open to inspection the particulars therein other than the particulars entered under the said paragraph (b) or (c) without exposing those last-mentioned particulars.

*Status: Point in time view as at 01/04/2004.*

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to legislation: There are currently no known outstanding effects for the Industrial and Provident Societies Act 1965 (repealed), Cross Heading: Registers, books, etc..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

- (4) [<sup>F1</sup>Any person authorised for the purpose by the Authority may, on producing evidence of his authority,] at all reasonable hours inspect any particulars in any register or duplicate register kept under this section.
- (5) A registered society's register or duplicate register kept under this section, or any other register or list of members or shares kept by the society, shall be prima facie evidence of any of the following particulars entered therein, that is to say—
- (a) the names, addresses and occupations of the members;
  - (b) the number of shares respectively held by the members, the distinguishing numbers of those shares, if they are distinguished by numbers, and the amount paid or agreed to be considered as paid on any of those shares;
  - (c) the date at which the name of any person, company or society was entered in that register or list as a member;
  - (d) the date at which any such person, company or society ceased to be a member.

#### Textual Amendments

**F1** Words in s. 44(4) substituted (1.12.2001) by [S.I. 2001/2617, arts. 2\(b\), 13\(1\), Sch. 3 Pt. III para. 223](#) (with [art. 13\(3\), Sch. 5](#)); [S.I. 2001/3538, art. 2\(1\)](#)

#### 45 Restriction on inspection of books.

- (1) Save as provided by this Act, no member or other person shall have any right to inspect the books of a registered society.
- (2) In the case of a society to which section 4 of this Act applies, the foregoing subsection shall have effect notwithstanding anything relating to such inspection in any rules of the society made before 12th September 1893.

#### 46 Inspection of books by members, etc.

- (1) Subject to any regulations as to the time and manner of inspection which may be made from time to time by the general meetings of a registered society, any member, and any person having an interest in the funds, of the society shall be allowed to inspect at all reasonable hours—
  - (a) his own account; and
  - (b) all the particulars contained in the duplicate register kept under section 44(3) (a) of this Act or, if no duplicate register is so kept, all the particulars in the register kept under section 44(1) of this Act other than those entered under paragraph (b) or (c) thereof.
- (2) A registered society may by its rules (not being rules made earlier than 12th September 1893) authorise, in addition to any inspection in pursuance of the foregoing subsection, the inspection of such of the society's books upon such conditions as may be specified in the rules, but no person who is not an officer of the society or specially authorised by a resolution of the society shall be authorised by the rules to inspect the loan or deposit account of any other person without that other person's written consent.

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#### 47 Inspection of books by order of registrar.

- (1) Subject to subsection (2) of this section, [<sup>F2</sup>the Authority] may, if [<sup>F3</sup>it] thinks fit, on the application of ten members of a registered society each of whom has been a member of the society for not less than twelve months immediately preceding the date of the application, appoint an accountant or actuary to inspect the books of the society and to report thereon.
- (2) The members making an application under the foregoing subsection shall deposit with [<sup>F2</sup>the Authority] as security for the costs of the proposed inspection such sum as [<sup>F3</sup>it] may require; and all expenses of and incidental to the inspection shall be defrayed by the applicants, or out of the funds of the society, or by the members or officers, or former members or officers, of the society, in such proportions as [<sup>F2</sup>the Authority] may direct.
- (3) A person appointed under this section shall have power to make copies of any books of the society, and to take extracts therefrom, at all reasonable hours at the society's registered office or at any other place where those books are kept.
- (4) [<sup>F2</sup>the Authority] shall communicate the results of any inspection under this section to the applicants and to the society.

#### Textual Amendments

- F2** Words in s. 47(1)(2)(4) 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)**
- F3** Words in s. 47(1)(2) substituted (1.12.2001) by S.I. 2001/2617, arts. 2(b), 13(1), **Sch. 3 Pt. III para. 224** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**

#### 48 Production of documents and provision of information for certain purposes.

- (1) [<sup>F4</sup>the Authority] may at any time, by notice in writing served on a registered society or on any person who is or has been an officer of such a society, require that society or person to produce to [<sup>F4</sup>the Authority] such books, accounts and other documents relating to the business of the society, and to furnish to [<sup>F5</sup>it] such other information relating to that business, as [<sup>F4</sup>the Authority] considers necessary for the exercise of any of the powers which [<sup>F5</sup>it] has by virtue of section 16(1)(c)(ii), 16(4) or 56 of this Act; and any such notice may contain a requirement that any information to be furnished in accordance with the notice shall be verified by a statutory declaration.
- (2) Any society or other person failing to comply with the requirements of a notice under the foregoing subsection shall be liable on summary conviction to a fine not exceeding [<sup>F6</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months or to both.
- (3) [<sup>F4</sup>the Authority] may, if [<sup>F5</sup>it] considers it just, direct that all or any of the expenses incurred by [<sup>F5</sup>it] in exercising [<sup>F5</sup>its] powers under subsection (1) of this section in relation to any society shall, either wholly or to such extent as [<sup>F5</sup>it] may determine, be defrayed out of the funds of the society or by the officers or former officers thereof or any of them; and any sum which any society or other person is required by such a direction to pay shall be a debt due to [<sup>F4</sup>the Authority] from that society or person.

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#### Textual Amendments

- F4** Words in s. 48(1)(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)**
- F5** Words in s. 48 substituted (1.12.2001) by S.I. 2001/2617, arts. 2(b), 13(1), **Sch. 3 Pt. III para. 225** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F6** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**

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

- C1** S. 48(1)(2) extended by Credit Unions Act 1979 (c. 34, SIF 55:3), **s. 17(1)**
- C2** S. 48(3) extended by Credit Unions Act 1979 (c. 34, SIF 55:3), **s. 17(1)**

### 49 Appointment of inspectors and calling of special meetings.

- (1) Upon the application of one-tenth of the whole number of members of a registered society or, in the case of a society with more than one thousand members, of one hundred of those members, [<sup>F7</sup>the Authority] may <sup>F8</sup> . . .
- (a) appoint an inspector or inspectors to examine into and report on the affairs of the society; or
- (b) call a special meeting of the society.
- (2) An application under this section shall be supported by such evidence for the purpose of showing that the applicants have good reason for requiring the examination or meeting and are not actuated by malicious motives, and such notice of the application shall be given to the society, as [<sup>F7</sup>the Authority] shall direct.
- (3) [<sup>F7</sup>the Authority] may, if [<sup>F9</sup>it] thinks fit, require the applicants to give security for the costs of the proposed examination or meeting before appointing any inspector or calling the meeting.
- (4) All expenses of and incidental or preliminary to any such examination or meeting shall be defrayed by the members applying for it, or out of the funds of the society, or by the members or officers, or former members or officers, of the society, in such proportions as [<sup>F7</sup>the Authority] shall direct.
- (5) An inspector appointed under this section may require the production of all or any of the books, accounts, securities, and documents of the society, and may examine on oath its officers, members, agents and servants in relation to its business, and may for that purpose administer oaths.
- (6) [<sup>F7</sup>the Authority] may direct at what time and place a special meeting under this section is to be held, and what matters are to be discussed and determined at the meeting; and the meeting shall have all the powers of a meeting called according to the rules of the society, and shall have power to appoint its own chairman notwithstanding any rule of the society to the contrary.

<sup>F10</sup>(7) . . . . .

#### Textual Amendments

- F7** Words in s. 49(1)(2)(3)(4)(6) 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)**

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- F8** Words in s. 49(1) repealed (1.12.2001) by S.I. 2001/2617, arts. 2(b), 13(1)(2), Sch. 3 Pt. III para. 226(a), **Sch. 4** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F9** Word in s. 49(3) substituted (1.12.2001) by S.I. 2001/2617, arts. 2(b), 13(1), **Sch. 3 Pt. III para. 226(b)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F10** S. 49(7) repealed (1.12.2001) by S.I. 2001/2617, arts. 2(b), 13(1), Sch. 3 Pt. III para. 226(c), **Sch. 4** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**

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

- C3** S. 49(5)(6) applied by **Credit Unions Act 1979** (c. 34, SIF 55:3), **s. 18(3)**

**Status:**

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