



# Industrial and Provident Societies Act 1965

## 1965 CHAPTER 12

*Cancellation, suspension or refusal of registration of society or rules*

### 16 Cancellation of registration of society

- (1) Subject to the provisions of this section and sections 18(1)(c) and 59 of this Act, and without prejudice to section 52(4) thereof, the appropriate registrar may, by writing under his hand or seal or, in Scotland, in writing, cancel the registration of any registered society—
- (a) if at any time it is proved to his satisfaction—
    - (i) that the number of members of the society has been reduced, in the case of a society for the time being consisting solely of registered societies, to less than two or, in any other case, to less than seven ; or
    - (ii) that an acknowledgment of registration has been obtained by fraud or mistake ; or
    - (iii) that the society has ceased to exist;
  - (b) if he thinks fit, at the request of the society, to be evidenced in such manner as he shall from time to time direct;
  - (c) with the approval of the Treasury—
    - (i) on proof to his satisfaction that the society exists for an illegal purpose, or has wilfully and after notice from a registrar violated any of the provisions of this Act or any enactment repealed thereby; or
    - (ii) if at any time it appears to him that neither of the conditions specified in section 1(2) of this Act is fulfilled in the case of that society ; or
    - (iii) in the case of a society whose registered rules contain such a provision as is authorised by section 12 of this Act, if it appears to him that the society no longer consists mainly of such members as are mentioned in that section or that the activities carried on by it do not mainly consist in making advances to its members for such purposes as are so mentioned.

- (2) Subsection (1)(c)(ii) of this section shall not authorise the cancellation of the registration of any society to which section 4 of this Act applies which was registered or deemed to be registered under the Act of 1893 before 26th July 1938 if no invitation to subscribe for or to acquire or offer to acquire securities, or to lend or deposit money, has been made on or after that date by or on behalf of the society.
- (3) Not less than two months previous notice in writing specifying briefly the ground of the proposed cancellation shall be given by the appropriate registrar to a society before its registration is cancelled otherwise than—
- (a) at its own request; or
  - (b) by virtue of section 52(4) of this Act; or
  - (c) after the lodging with the appropriate registrar of such a certificate as is referred to in section 59 of this Act;
- and if before the expiration of the period of that notice the society duly lodges an appeal under section 18(1)(c) of this Act, then, without prejudice to section 17(2) of this Act, the society's registration shall not be cancelled before the date of the determination or abandonment of the appeal.
- (4) Where the ground specified in any notice under subsection (3) of this section is that referred to in subsection (1)(c)(ii) thereof—
- (a) the appropriate registrar shall consider any representations with respect to the proposed cancellation made to him by the society within the period of duration of the notice and, if the society so requests, afford it an opportunity of being heard by him before its registration is cancelled;
  - (b) if it appears to the appropriate registrar at any time after the expiration of one month from the date of the giving of the notice that there have not been taken the steps which by that time could reasonably have been taken for the purpose—
    - (i) of converting the society into, or amalgamating it with, or transferring its engagements to, a company in accordance with section 52 of this Act; or
    - (ii) of dissolving the society under section 55 of this Act,
 he may give such directions as he thinks fit for securing that the affairs of the society are wound up before cancellation of the registration takes effect.
- (5) Any person who contravenes or fails to comply with any directions given by the appropriate registrar under subsection (4)(b) of this section shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both.
- (6) Notice of every cancellation under this section of a society's registration shall, as soon as practicable after it takes place, be published in the Gazette and in some local newspaper circulating in or about the locality in which the society's registered office is situated.
- (7) As from the date of the publication in the Gazette under subsection (6) of this section of notice of the cancellation of a society's registration, the society shall absolutely cease to be entitled to any of the privileges of this Act as a registered society, but without prejudice to any liability actually incurred by the society which may be enforced against it as if the cancellation had not taken place.