



# Industrial and Provident Societies Act 1965 (repealed)

## 1965 CHAPTER 12

*Accounts, etc.*

### 39 Annual returns.

- (1) Every registered society shall, [<sup>F1</sup>within the period of 7 months beginning immediately after the end of the [<sup>F2</sup>year of account]], send to the [<sup>F3</sup>FCA] a return [<sup>F1</sup>relating to its affairs for that [<sup>F4</sup>year]], together with—
- [<sup>F5</sup>(a) where the [<sup>F6</sup>year of account] is one at the end of which there is in force in relation to the period a disapplication under section 4A(1) of the Friendly and Industrial and Provident Societies Act 1968 (power to disapply the obligation under section 4 of that Act to have accounts audited), the documents mentioned in subsection (1A) of this section, and
  - (b) where it is not, the documents mentioned in subsection (1B) of this section.
- (1A) The documents referred to in subsection (1)(a) of this section are—
- (a) copies of the reports, if any, which the society is required, because of the disapplication, to obtain under section 9A of the Friendly and Industrial and Provident Societies Act 1968 (duty to obtain accountant's reports where section 4 of that Act disappplied); and
  - (b) a copy of each balance sheet made during the [<sup>F7</sup>year of account].
- (1B) The documents referred to in subsection (1)(b) of this section are—
- (a) a copy of the report of the auditor or auditors on the society's accounts for the [<sup>F8</sup>year of account]; and
  - (b) a copy of each balance sheet made during that [<sup>F9</sup>year] and of any report of the auditor or auditors on that balance sheet.

<sup>F10</sup>(2) .....

<sup>F10</sup>(2A) .....

<sup>F10</sup>(3) .....

*Status: Point in time view as at 01/04/2013. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Industrial and Provident Societies Act 1965 (repealed), Section 39. (See end of Document for details)*

<sup>F10</sup>(4) .....

(5) Every registered society shall supply free of charge to every member or person interested in the funds of the society who applies for it a copy of the latest return of the society under this section.

<sup>F11</sup>(6) A society (“S”) is to be regarded as having supplied to a person (“P”) a copy of S’s latest return if each of the following conditions is satisfied.

(7) The first condition is that P—

- (a) has agreed (generally or specifically) that S may make the return available to P on a website, and
- (b) has not revoked that agreement.

(8) The second condition is that S has notified P of—

- (a) the presence of the return on the website,
- (b) the address of the website,
- (c) the place on the website where the return may be accessed, and
- (d) how to access the return.

(9) The third condition is that the return is present on the website for the whole of the period—

- (a) beginning with the day on which S sends P the notification referred to in subsection (8) or, if later, the day on which the return first appears on the website, and
- (b) ending on the day when that return ceases to be S’s latest return.

(10) If the return is absent from the website for part of the period referred to in subsection (9), the absence is to be disregarded if it is wholly attributable to circumstances that it would not be reasonable to have expected S to prevent or avoid.]

#### Textual Amendments

- F1** S. 39(1) words substituted (1.9.1996) by S.I. 1996/1738, **arts. 1, 5(2)(a)(b)**
- F2** Words in s. 39(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), **4(2)(a)** (with arts. 25, 26)
- F3** Word in s. 39(1) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), Sch. 2 para. 2(1)(a)**(2)(j)** (with Sch. 12)
- F4** Word in s. 39(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), **4(2)(b)** (with arts. 25, 26)
- F5** S. 39(1) words inserted (1.9.1996) by S.I. 1996/1738, **arts. 1, 9(1)**
- F6** Words in s. 39(1)(a) 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), **4(2)(c)** (with arts. 25, 26)
- F7** Words in s. 39(1A)(b) 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), **4(3)** (with arts. 25, 26)
- F8** Words in s. 39(1B)(a) 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), **4(4)(a)** (with arts. 25, 26)
- F9** Word in s. 39(1B)(b) 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), **4(4)(b)** (with arts. 25, 26)
- F10** S. 39(2)(2A)(3)(4) omitted (8.1.2012) by virtue of The Legislative Reform (Industrial and Provident Societies and Credit Unions) Order 2011 (S.I. 2011/2687), arts. 1(1)(b), **4(5)** (with arts. 25, 26)
- F11** S. 39(6)-(10) inserted (12.4.2011) by Mutual Societies (Electronic Communications) Order 2011 (S.I. 2011/593), arts. 1(1), **23(1)**

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

- C1** Power to apply s. 39 in part conferred by [Friendly and Industrial and Provident Societies Act 1968 \(c. 55\), s. 4\(7\)](#); s. 39 extended *ibid.*, s. 13(7)
- C2** S. 39(1) excluded by [Credit Unions Act 1979 \(c. 34, SIF 55:3\), s. 24\(2\)](#)
- C3** S. 39(6)-(10) applied by 1968 c. 55, s. 13(8) (as inserted (12.4.2011) by [Mutual Societies \(Electronic Communications\) Order 2011 \(S.I. 2011/593\), arts. 1\(1\), 23\(2\)](#))

**Status:**

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**Changes to legislation:**

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