



[^{F1}Co-operative and Community Benefit Societies Act (Northern Ireland) 1969]^{F2}

1969 CHAPTER 24

An Act to consolidate with amendments the provisions of certain enactments relating to industrial and provident societies and to apply those provisions with modifications to credit unions.
[25th November 1969]

F1 Act: "The Industrial and Provident Societies (N.I.) Act 1969 may be cited as The Co-operative and Community Benefit Societies Act (N.I.) 1969" (6.4.2018) by virtue of [Credit Unions and Co-operative and Community Benefit Societies Act \(Northern Ireland\) 2016](#) (c. 16), [ss. 8\(2\)](#), 17(2) (with [Sch. 2](#) paras. 2, 3); S.R. 2017/217, art. 2(b)

F2 1981 NI 3

Modifications etc. (not altering text)

- C1** Act: power to modify conferred (1.7.2006) by [Industrial and Provident Societies \(Northern Ireland\) Order 2006](#) (S.I. 2006/314 (N.I. 3)), arts. 1(3), [10](#); S.R. 2006/242, [art. 2](#)
- C2** Act: applied (with modifications) by [Insurance Accounts Directive \(Miscellaneous Insurance Undertakings\) Regulations \(Northern Ireland\) 1994](#) (S.R. 1994/429), [Sch.](#) (as amended (1.10.2006) by S.R. 2006/353, [reg. 3](#))
- C3** Act: power to amend conferred (20.1.2007 for certain purposes, otherwise 1.10.2009) by [Companies Act 2006](#) (c. 46), [ss. 1101\(1\)](#), 1300(2); S.I. 2006/3428, [art. 3\(3\)](#); S.I. 2008/2860, [art. 3\(r\)](#) (with art. 8, Sch. 2)
- C4** Act: modified (6.4.2008) by [Insurance Accounts Directive \(Miscellaneous Insurance Undertakings\) Regulations 2008](#) (S.I. 2008/565), reg. 14(2), [Sch. 2](#) (as amended (1.8.2014) by [The Co-operative and Community Benefit Societies and Credit Unions Act 2010 \(Consequential Amendments\) Regulations 2014](#) (S.I. 2014/1815), reg. 1(2), [Sch. para. 20\(4\)\(d\)\(g\)\(h\)](#)); as further amended (with effect in accordance with reg. 2(4) of the amending S.I.) by [The Statutory Auditors Regulations 2017](#) (S.I. 2017/1164), [Sch. 2 para. 16](#) (with [reg. 2\(6\)\(7\)\)](#))
- C5** Act: power to amend conferred (17.2.2009 for certain purposes otherwise 21.2.2009) by [Banking Act 2009](#) (c. 1), [ss. 159](#), 167, 263(1) (with s. 247); S.I. 2009/296, [arts. 2](#), 3, [Sch. para. 3](#)
- C6** Act: power to amend conferred (24.1.2013) by [Financial Services Act 2012](#) (c. 21), [ss. 50\(2\)\(d\)](#), 122(3) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(a), [Sch. Pt. 1](#)

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PART I

SOCIETIES WHICH MAY BE REGISTERED

[^{F3}1 Societies which may be registered.

- (1) A society for carrying on any industry, business or trade (including dealings of any kind with land) that meets the conditions in subsection (2) may be registered under this Act as—
 - (a) a co-operative society, or
 - (b) a community benefit society.
- (2) The conditions are—
 - (a) that it is shown to the satisfaction of the registrar—
 - (i) in the case of registration as a co-operative society, that the society is a bona fide co-operative society, or
 - (ii) in the case of registration as a community benefit society, that the business of the society is being, or is intended to be, conducted for the benefit of the community,
 - (b) that the society's rules contain provision in respect of the matters mentioned in Part 1 of Schedule 1, and
 - (c) that the place that under those rules is to be the society's registered office is in Northern Ireland.
- (3) Subsection (1) is subject to—
 - (a) section 2 (minimum number of members of a society);
 - (b) section 7(1) (society with withdrawable share capital not to be registered with the object of carrying on the business of banking).
- (4) For the purposes of subsection (2)(a)(i) “co-operative society” does not include a society that 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.]

F3 Ss. 1, 1A substituted (6.4.2018) for s. 1 by [Credit Unions and Co-operative and Community Benefit Societies Act \(Northern Ireland\) 2016 \(c. 16\)](#), ss. [8\(1\)](#), [17\(2\)](#) (with [Sch. 2 paras. 2, 3](#)); S.R. 2017/217, art. 2(b)

[^{F3}1A Meaning of “registered society”

- (1) In this Act “registered society” means—
 - (a) a society registered under this Act as a co-operative or community benefit society, or
 - (b) a society that was registered or treated as registered under this Act (otherwise than as a credit union) immediately before section 8 of the Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016 came into operation.
- (2) Nothing in that section affects the status of a society within subsection (1)(b) (a “pre-2016 Act society”) as registered or treated as registered under this Act.]

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- F3** Ss. 1, 1A substituted (6.4.2018) for s. 1 by [Credit Unions and Co-operative and Community Benefit Societies Act \(Northern Ireland\) 2016 \(c. 16\)](#), [ss. 8\(1\), 17\(2\)](#) (with [Sch. 2 paras. 2, 3](#)); [S.R. 2017/217](#), [art. 2\(b\)](#)

PART II

REGISTERED SOCIETIES

REGISTRATION OF SOCIETIES

2 Registration of society.

(1) Subject to subsection (2)—

- (a) no society shall be registered under this Act if the number of the members thereof is less than^[F4] three]; and
- (b) an application for the registration of a society under this Act shall be signed by^[F4] three] members and the secretary of the society and shall be sent ^[F5]to the registrar with two copies of the society's rules or, if the application is made by electronic means, one copy of those rules] .

^[F4](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 the secretary of each (or, if more than two, of each of any two) of the constituent societies and is accompanied by two ^{F6}... copies of the rules of the society sought to be registered ^[F7](or, if the application is made by electronic means, one copy of those rules)] .

(3) On being satisfied that a society has complied with the provisions of this Act as to registration thereunder, the registrar shall issue to the society an acknowledgement of registration ^[F8], bearing the registrar's seal,] which shall be conclusive evidence that the society is duly registered under this Act unless it is proved that the registration of the society has been cancelled or is for the time being suspended.

F4 [1997 NI 22](#)

F5 Words in [s. 2\(1\)\(b\)](#) substituted (6.4.2018 immediately after [2016 c. 16 \(N.I.\)](#), [s. 8\(2\)](#) comes into force) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2018 \(S.I. 2018/323\)](#), [art. 1](#), [Sch. 2 para. 3\(a\)](#) (with [art. 3](#))

F6 Word in [s. 2\(2\)](#) omitted (6.4.2018 immediately after [2016 c. 16 \(N.I.\)](#), [s. 8\(2\)](#) comes into force) by virtue of [The Financial Services Act 2012 \(Mutual Societies\) Order 2018 \(S.I. 2018/323\)](#), [art. 1](#), [Sch. 2 para. 3\(b\)\(i\)](#) (with [art. 3](#))

F7 Words in [s. 2\(2\)](#) inserted (6.4.2018 immediately after [2016 c. 16 \(N.I.\)](#), [s. 8\(2\)](#) comes into force) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2018 \(S.I. 2018/323\)](#), [art. 1](#), [Sch. 2 para. 3\(b\)\(ii\)](#) (with [art. 3](#))

F8 Words in [s. 2\(3\)](#) substituted (6.4.2018 immediately after [2016 c. 16 \(N.I.\)](#), [s. 8\(2\)](#) comes into force) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2018 \(S.I. 2018/323\)](#), [art. 1](#), [Sch. 2 para. 3\(c\)](#) (with [art. 3](#))

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Modifications etc. (not altering text)

- C7** S. 2(3) modified (31.7.2006) by [Community Benefit Societies \(Restriction on Use of Assets\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/258\)](#), reg. 17, **Sch. 2 para 1(1)**

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^{F9} . . . 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.

- F9** Words in s. 3 repealed (1.7.2006) by [Industrial and Provident Societies \(Northern Ireland\) Order 2006 \(S.I. 2006/314 \(N.I. 3\)\)](#), arts. 1(3), 6(2), 11, **Sch.**; S.R. 2006/242, **art. 2**

4 Existing societies deemed to be registered.

Any society which at the date immediately before the passing of this Act was registered or deemed to be registered under the Industrial and Provident Societies Act 1893^{M1} (in this Act referred to as “the Act of 1893”), being a society whose registered office was at that date in Northern Ireland, 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 8 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 passing 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 passing 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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NAME AND MAXIMUM SHAREHOLDING

5 Name of society.

- (1) No society shall be registered under this Act under a name which in the opinion of the registrar is undesirable.
- (2) Subject to subsection (5), the word “Limited” shall be the last word in the name of every society registered under this Act.
- (3) A registered society may change its name in the following manner and in that manner only, that is to say—
 - (a) by a resolution for the purpose passed at a general meeting of the society after the giving of such notice as is required by the rules of the society for such a resolution or, if the rules do not make special provision as to notice of such a resolution, after the giving of such notice as is required by the rules for a resolution to amend the rules; and
 - (b) with the approval in writing of the registrar.
- (4) No change in the name of a registered society shall affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the society notwithstanding its new name.
- (5) If the registrar is satisfied that the objects of a society applying for registration under this Act or of a registered society are wholly charitable or benevolent, [^{F10}the registrar] may register the society by a name which does not contain the word “Limited” or, as the case may be, permit the society to change its name to one which does not contain that word; but if it subsequently appears to the registrar that the society, whether in consequence of a change in its rules or otherwise, is not being conducted wholly for charitable or benevolent objects, [^{F10}the registrar] may direct that the word “Limited” be added as the last word in the name of the society and shall notify the society accordingly.
- (6) Every registered society shall cause its registered name to be painted or affixed, and to be kept painted or affixed, in a conspicuous position and in letters easily legible, on the outside of its registered office and every other office or place in which the business of the society is carried on, and shall have that name ^{F11}. . . mentioned in legible characters—
 - (a) in all notices, advertisements and other official publications of the society;
 - (b) in all business letters of the society;
 - (c) in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods, purporting to be signed by or on behalf of the society;
 - (d) in all bills, invoices, receipts, and letters of credit of the society.
- (7) Any officer of a registered society, or any other person acting on such a society's behalf, who—
 - (a) ^{F12}
 - (b) issues or authorises the issue of any document such as is mentioned in subsection (6)(a) or (d) in which [^{F13}the society's registered name] is not mentioned in legible characters; or
 - (c) signs or authorises to be signed on behalf of the society any document such as is mentioned in subsection (6)(c) in which that name is not so mentioned,