CHAPTER 43

Industrial and Provident Societies (Amendment) Act, 1954

ARRANGEMENT OF SECTIONS

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An Act to amend the Industrial and Provident Societies Acts, 1893 to 1952. [5th July, 1954]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Increase in amount disposable by nomination by a member of a registered society.

1.—(1) In section twenty-five of the principal Act (under which a member of a registered society may by nomination dispose of property in the society belonging to him at his death up to a value of one hundred pounds) for each reference to one hundred pounds there shall be substituted a reference to two hundred pounds.

(2) This section shall have effect as respects any nomination delivered at or sent to the office of the society to which it relates after the commencement of this Act or made by the nominator in their books after that time.

Amendments as to name of a registered society.

2.—(1) No society shall be registered under the principal Act under a name which in the opinion of the registrar is undesirable and so much of paragraph (3) of section five of that Act as imposes restrictions as to the name under which a society may be registered shall cease to have effect.

(2) In section fifty-two of the principal Act (which enables a registered society to change its name by special resolution) for the reference to a special resolution there shall be substituted a reference to a resolution passed at a general meeting after the giving of such notice as is required by the rules of the society

in the case of a resolution to amend the society's rules, or after the giving of such other notice as may be specified by those rules for the purposes of this subsection.

(3) Without prejudice to section twelve of the principal Act (which requires a registered society to have its registered name on all official publications), every registered society shall have its registered name mentioned in legible characters in all its business letters.

Cases in which the name of a registered society need not include the word "limited".

3.—(1) If the registrar is satisfied that the objects of a society applying for registration or of a registered society are wholly charitable or benevolent he may, notwithstanding paragraph (5) of section five of the principal Act, 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.

(2) 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, he may direct that the word "limited" be added as the last word in the name of the society and shall notify the society accordingly.

Provisions as to annual returns and audit.

4.—(1) If the registrar is of opinion that special circumstances exist he may allow the annual return to be made by a registered society under section fourteen of the principal Act to be made up to a date other than the date specified in paragraph (*c*) of subsection (2) of that section and in that case the annual return shall be sent to the registrar not more than three months after the date to which it is to be made up.

(2) The last annual return to be made under the said section fourteen by a registered society which is being terminated by an instrument of dissolution under paragraph (*b*) of section fifty-eight of the principal Act shall be made up to the date of the instrument of dissolution, and the registrar shall not register the instrument of dissolution under paragraph (*d*) of section sixty-one of the principal Act until he has received that return.

(3) A registered society shall not publish any balance sheet which has not been previously audited by one or more of the approved auditors appointed under section seventy-two of the principal Act and any copy of a balance sheet published by them shall incorporate any report made thereon by the auditor.

(4) The copy of any balance sheet which is to be sent to the registrar under subsection (2) of section three of the Industrial and Provident Societies (Amendment) Act, 1913, shall incorporate any report made thereon by the auditor. 3 & 4 Geo. 5. c. 31.

(5) The expression "officer" as defined by section seventy-nine of the principal Act shall not include an auditor.

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Register of members and officers of registered society.

5.—(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—

(*a*) keep at their office a duplicate register containing the particulars in the original register to be kept under subsection (1) of this section, other than those entered under paragraph (*b*) or (*c*) of that subsection, or

(*b*) so construct their register that it is possible to open to inspection the particulars in the register other than the particulars entered under paragraph (*b*) or (*c*) of subsection (1) of this section without exposing those last-mentioned particulars,

and subsection (2) of section seventeen of the principal Act (which gives members and certain other persons the right to inspect books containing the names of members) shall have effect as if the reference to such books included a reference to all the particulars in the said duplicate register or, as the case may be, in the original register exclusive of the particulars to be entered under paragraph (*b*) or (*c*) of subsection (1) of this section.

(4) The registrar or a person acting on his behalf may at all reasonable hours inspect any particulars in the register or duplicate register, and section four of the Industrial and Provident Societies (Amendment) Act, 1913 (under which a registered society must send a list of persons interested in the society to the registrar every three years) shall cease to have effect.

Amalgamations and transfers of engagements.

6.—(1) In relation to section fifty-three of the principal Act (which enables registered societies to effect an amalgamation or transfer of engagements by special resolution) the definition of a special resolution in section fifty-one of that Act shall have effect as if for the reference to a majority of not less than three-fourths there were substituted a reference to a majority of not less than two-thirds.

(2) If a registered society transfers its engagements to another registered society by a special resolution taking effect under subsection (2) of the said section fifty-three and by that resolution approves the transfer of the whole or any part of its property to the other registered society, the whole, or as the case may be, that part, of its property shall without any conveyance or assignment vest in the other registered society.

Duties of a receiver or manager of property of a registered society.

7. Every receiver or manager of the property of a registered society who has been appointed under the powers contained in any instrument shall—

(*a*) within one month from the date of his appointment notify the registrar of his appointment, and

(*b*) within one month (or such longer period as the registrar may allow) after the expiration of the period of six months from that date, and of every subsequent period of six months, deliver to the registrar a return showing his receipts and his payments during that period of six months, and

(*c*) within one month after he ceases to act as receiver or manager deliver to the registrar a return showing his receipts and his payments during the final period and the aggregate amount of his receipts and of his payments during all preceding periods since his appointment.

Special resolutions.

8.—(1) It shall be the duty of a registered society to send a special resolution to the registrar for registration in accordance with section fifty-six of the principal Act within fourteen days from the day on which the resolution is passed, but this subsection shall not invalidate registration of a special resolution after that time.

(2) It is hereby declared that in section fifty-five of the principal Act (which provides that a company may on passing a special resolution convert itself into a registered society) the references to a special resolution are references to a special resolution as defined by section one hundred and forty-one of the Companies Act, 1948; and such a resolution need not be registered under section fifty-six of the principal Act.

11 & 12 Geo. 6. c. 38.

Criminal proceedings.

9.—(1) If on proceedings under section sixty-four of the principal Act (which relates to the misappropriation of property belonging to a registered society) it is not proved that the defendant acted with any fraudulent intent, he may be ordered to deliver up any property belonging to the society, or to repay any money applied improperly, with costs, but shall not be liable to conviction under the said section.

(2) Notwithstanding any limitation on the time for the taking of proceedings contained in any Act, summary proceedings for any fine imposed by the principal Act may be brought by the chief registrar or any assistant registrar at any time within one year of the first discovery thereof by the registrar, but not in any case after more than three years after the commission of the offence.

(3) This section shall, in its application to Scotland, have effect—

(*a*) as if in subsection (1) for the word " defendant " there were substituted the word " accused ", and

(*b*) as if in subsection (2) the words " by the chief registrar or any assistant registrar " were omitted.

Minor amendments.

10.—(1) An application under section one of the Industrial and Provident Societies (Amendment) Act, 1913 (which relates to societies whose members are all other registered societies) to register a society consisting of more than three constituent registered societies need not be signed by members of the committee and the secretary of more than three of the constituent societies.

(2) Subsection (1) of section twenty-eight of the principal Act (which authorises a registered society before making a payment under a nomination or on the death of an intestate to require evidence that the estate of the deceased did not exceed one hundred pounds) shall cease to have effect.

(3) The greatest sum which a registered society may charge for a copy of their rules shall be two shillings, and accordingly for the reference to one shilling in subsection (4) of section ten of the principal Act there shall be substituted a reference to two shillings.

(4) Subsection (3) of section sixty-nine of the principal Act (which relates to the recovery of certain costs or expenses) shall, in its application to Scotland, have effect as if the words " summarily before a court of summary jurisdiction " were omitted.

Interpretation and repeals. 56 & 57 Vict. c. 39.

11.—(1) In this Act " the principal Act " means the Industrial and Provident Societies Act, 1893.

(2) References in this Act to any other enactment shall be construed as references to that enactment as amended by any enactment including this Act.

(3) The enactments set out in the Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

Citation, construction, extent and commencement.

12.—(1) This Act may be cited as the Industrial and Provident Societies (Amendment) Act, 1954.

(2) This Act shall be construed as one with the Industrial and Provident Societies Acts, 1893 to 1952, and may be cited together with those Acts as the Industrial and Provident Societies Acts, 1893 to 1954.

(3) This Act shall not extend to Northern Ireland, and shall extend to the Channel Islands.

(4) This Act shall come into force on the expiration of a period of one month beginning with the date on which it is passed.

SCHEDULE

Section 11.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
56 & 57 Vict. c. 39.	The Industrial and Provident Societies Act, 1893.	In section five in paragraph (3) the words from the beginning to "its identity, and ". In section twenty-eight, subsection (1).
3 & 4 Geo. 5. c. 31.	The Industrial and Provident Societies (Amendment) Act, 1913.	Section four. In section six, subsection (1) of the section to be inserted as section twenty-eight of the principal Act.
11 & 12 Geo. 6. c. 39.	The Industrial Assurance and Friendly Societies Act, 1948.	In section eighteen, paragraph (*c*) of subsection (2) and the words " and 3 ". In the Fifth Schedule, paragraph 3.