



An Bille um Chumainn Tionscail agus Soláthair (Leasú), 2018
Industrial and Provident Societies (Amendment) Bill 2018

Mar a tionscnaíodh

As initiated



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ACTS REFERRED TO

Companies Act 2014 (No. 38)

Electronic Commerce Act 2000 (No. 27)

Industrial and Provident Societies Act 1893 (56 & 57 Vict., c. 39)

Industrial and Provident Societies Acts 1893 to 2014



**AN BILLE UM CHUMAINN TIONSCAIL AGUS SOLÁTHAIR (LEASÚ), 2018
INDUSTRIAL AND PROVIDENT SOCIETIES (AMENDMENT) BILL 2018**

Bill

entitled

An Act to amend the law relating to industrial and provident societies and for that purpose to amend the Industrial and Provident Societies Act 1893 and to provide for connected matters. 5

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act “Principal Act” means the Industrial and Provident Societies Act 1893. 10

Amendment of section 5 (Conditions of registration) of Principal Act

2. Section 5 of the Principal Act is amended by substituting the following for subsections (1) and (2):

“(1) No society can be registered under this Act that does not consist of three persons at least. 15

(2) For the purpose of registry an application to register the society, signed by three members and the secretary, and two printed copies of the rules, shall be sent to the registrar.”.

Amendment of section 9 (Cancelling and suspension of registry) of Principal Act

3. Section 9 of the Principal Act is amended in subsection (1) by substituting the following for paragraph (a): 20

“(a) If at any time it is proved to the registrar’s satisfaction that the number of the members of the society has been reduced to less than three, or that an acknowledgement of registry has been obtained by fraud or mistake, or that the society has ceased to exist;” 25

Amendment of section 14 (Annual returns) of Principal Act

4. Section 14 of the Principal Act is amended in subsection (1) by substituting “Subject to section 14A, every registered society shall once in every year” for “Every registered society shall once in every year”.

Exemption from filing annual returns, etc., in certain cases

5. The Principal Act is amended by inserting the follow section after section 14:

- “14A. (1) The Minister for Business, Enterprise and Innovation shall within six months of the passing of the *Industrial and Provident Societies (Amendment) Act 2018*, and may subsequently thereafter, make regulations exempting one or more than one specified class of registered societies from the obligation to file—
- (a) annual returns, or
 - (b) certain specified classes of documents that would otherwise be required to be included as part of an annual return,
and for that purpose that Minister may—
 - (i) provide for alternative procedures to be complied with in relation to the preparation and dissemination of specified information that would otherwise be required to be included in an annual return,
 - (ii) provide different procedures for different classes of registered societies, and
 - (iii) provide for matters to which subsection (2) relates.
- (2) Having regard to any provisions relating to exemption from filing annual returns that apply to companies under the Companies Act 2014, the Minister for Business, Enterprise and Innovation may provide under subsection (1) for exemptions from filing the annual returns in respect of such class or classes of registered societies as he or she considers appropriate, where such exemptions would, in his or her opinion, correspond to exemption provisions applying to companies or any class of companies.”.

Use of electronic communication

6. The Principal Act is amended by inserting the follow section after section 74:

- “74A. (1) The Minister for Business, Enterprise and Innovation shall within six months of the passing of the *Industrial and Provident Societies (Amendment) Act 2018*, and may subsequently thereafter, make regulations under section 74 of this Act for the purpose of enabling—
- (a) the registration of industrial and provident societies by electronic means, and
 - (b) specified forms or other documents, which are required to be lodged with or otherwise sent to the registrar by or under the *Industrial and Provident Societies Acts 1893 to 2018*, to be lodged or sent by electronic means,
and for that purpose the said section 74 shall be read accordingly.
- (2) This section is without prejudice to the registrar, as a public body for

the purposes of the Electronic Commerce Act 2000, from accepting any document by electronic means where either or both sections 12 and 13 of that Act have been applied in the circumstances.

- (3) In this section ‘electronic means’—
- (a) in the case of subsection (1), includes the use of electronic mail, and 5
 - (b) in the case of subsection (2), means those provided for under the Electronic Commerce Act 2000 and effected in compliance with any requirements of the registrar of the kind referred to in sections 12(2)(b) and 13(2)(a) of that Act.” 10

Short title and collective citation

7. (1) This Act may be cited as the Industrial and Provident Societies (Amendment) Act 2018.
- (2) The Industrial and Provident Societies Acts 1893 to 2014 and this Act may be cited together as the Industrial and Provident Societies Acts 1893 to 2018. 15

An Bille um Chumainn Tionscail agus
Soláthair (Leasú), 2018

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an dlí a bhaineann le cumainn tionscail agus soláthair agus, chun na críche sin, do leasú an Industrial and Provident Societies Act 1893 agus do dhéanamh socrú i dtaobh nithe comhghaolmhara.

Na Teachtaí Clare Daly, Siobhán Ní Choileáin, Máirín Ní Shúilleabháin, Caitriona Ní Chonghaile, Thomas Pringle, Micheál de Bhailís agus Tomás P. Ó Bracháin a thug isteach,

3 Iúil, 2018

Industrial and Provident Societies
(Amendment) Bill 2018

BILL

(as initiated)

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An Act to amend the law relating to industrial and provident societies and for that purpose to amend the Industrial and Provident Societies Act 1893 and to provide for connected matters.

Introduced by Deputies Clare Daly, Joan Collins, Maureen O'Sullivan, Catherine Connolly, Thomas Pringle, Mick Wallace and Thomas P. Broughan,

3rd July, 2018

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