



# Friendly Societies Act 1974

## 1974 CHAPTER 46

### *Accounts, audit and auditors*

#### **35 Proceedings subsequent to receipt of notice under s. 34.**

- (1) On receipt by a registered society or branch of notice given under section 34(1) above, the society or branch shall forthwith send a copy of the notice to the retiring auditor.
- (2) On receipt of a copy of such a notice, the retiring auditor may at any time before the date of the general meeting make representations in writing to the society or branch (not exceeding a reasonable length) with respect to the intended resolution, and, without prejudice to the preceding provision, the retiring auditor may—
  - (a) notify the society or branch that he intends to make such representations; and
  - (b) request that notice of his intention, or of any such representations made by him and received by the society or branch before notice of the intended resolution is given to its members, shall be given to members of the society or branch.
- (3) Subject to subsection (4) below, a society or branch which receives representations or a notification of intended representations under subsection (2) above before the date when notice of the intended resolution is required by subsection (2) or (as the case may be) subsection (3) of section 34 above to be given to its members shall—
  - (a) in any notice of the resolution given to its members, state that it has received those representations or that notification (as the case may be),
  - (b) in any such notice, state that any member may receive on demand made before the date of the general meeting a copy of any representations which have been or may be received by the society or branch before that date, and
  - (c) send a copy of any representations received by the society or branch before the date of the meeting to any member on demand made before that date;but without prejudice either to the preceding provisions of this subsection or to his right to be heard orally, the retiring auditor may also require that any representations made by him before the date of the general meeting shall be read out at the meeting.
- (4) Copies of any such representations need not be sent out, and the representations need not be read out at the meeting, if, on the application either of the society or branch

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*Status: Point in time view as at 01/08/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Friendly Societies Act 1974, Section 35. (See end of Document for details)*

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or of any other person, the High Court is satisfied that the rights conferred by this section are being abused to secure needless publicity for defamatory matter; and the court may order the costs of the society or branch on an application under this section to be paid, in whole or in part, by the auditor, notwithstanding that he is not a party to the application.

(5) In the application of subsection (4) above to a society or branch [<sup>F1</sup>whose registered office is situated in] Scotland, for the reference to the High Court there shall be substituted a reference to the Court of Session and for the reference to costs there shall be substituted a reference to expenses.

[<sup>F2</sup>(5A) In the application of subsection (4) above to a society whose registered office is in Northern Ireland, the reference to the High Court shall be construed as a reference to the High Court in Northern Ireland.]

(6) Any provision in this section which requires notice to be given to the members of a society or branch or confers any right upon a member (as the case may be) shall be construed, in the case of a meeting of delegates appointed by members, as requiring a notice to be given to the delegates so appointed or as conferring the right upon a delegate (as the case may be).

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#### Textual Amendments

- F1** Words in s. 35(5) substituted (17.8.2001 for certain purposes and otherwise 1.12.2001) by S.I. 2001/2617, arts. 2(b), 13(1), **Sch. 3 Pt. I para. 13** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F2** S. 35(5A) inserted (1.1.1994) by Friendly Societies Act 1992 (c. 40), s. 95, **Sch. 16 para. 13** (with ss. 7(5) and 93(4)); S.I. 1993/3226, art. 2, **Sch. 2**.
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#### Modifications etc. (not altering text)

- C1** By Friendly Societies Act 1992 (c. 40), s. 95, **Sch. 16 para. 12** (with ss. 7(5) and 93(4)); S.I. 1993/2213, art. 2, **Sch. 6** (1.1.1994) it is provided that ss. 29-45 shall cease to have effect in relation to registered friendly societies and registered branches of such societies.

**Status:**

Point in time view as at 01/08/2014.

**Changes to legislation:**

There are currently no known outstanding effects for the Friendly Societies Act 1974, Section 35.