



Friendly Societies Act 1992

1992 CHAPTER 40

PART IX

MISCELLANEOUS

Societies registered under 1974 Act

93 Registration of societies under 1974 Act.

- (1) No society may be registered under the ^{M1}1974 Act after the commencement of this section.
- (2) Subject to section 7 of the 1974 Act, a society registered under the 1974 Act immediately before the commencement of this section (an “existing society”) shall continue as a registered society in accordance with the provisions of that Act.
- (3) Nothing in subsection (1) above shall be taken as preventing the registration after the commencement of this section of a branch of an existing society as a registered branch.
- (4) Nothing in this Act shall be taken as preventing—
 - (a) the performance by an existing friendly society of any contract which is in force immediately before the commencement of this section; or
 - (b) the carrying on by such a society of any social or benevolent activity which is not inconsistent with the other activities of the society.
- (5) Before the end of the transitional period each existing friendly society shall—
 - (a) by special resolution agree upon the alterations to be made to its rules so that they conform to this Act and the 1974 Act; and
 - (b) send to the [^{F1}FCA][^{F2}three] copies of the rules as altered each signed by the secretary and accompanied by a statutory declaration by the secretary that that agreement was effected by a resolution passed as a special resolution.
- (6) On agreeing upon any such alteration to its rules a society shall, subject to subsection (7) below, determine the date on which the society intends it to take effect,

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and any alteration to the society's rules sent to the [F¹FCA] shall be accompanied by a record specifying that date (in this paragraph referred to as "the specified date").

- (7) No date shall be specified under subsection (6) above which falls more than six months after the date of the meeting at which the society agreed upon the alteration to its rules.
- (8) The [F¹FCA], if satisfied that the rules as altered are in conformity with this Act and the 1974 Act, shall retain and register a copy of the altered rules.
- (9) On registering a copy of the altered rules under subsection (8) above, the [F¹FCA] shall—
- (a) return another copy to the secretary of the society, together with a certificate of registration, and
 - (b) keep another copy with the record of the specified date sent to it under subsection (6) above and a copy of that certificate, in the public file of the society.
- (10) Rules registered under this paragraph shall take effect on the specified date for the rule or, if registration of the rules is not effected until a later date, that later date.
- (11) If the [F¹FCA] has not, before the end of the transitional period, received from an existing registered friendly society copies of its rules as altered in accordance with subsection (5) above, the society shall be treated as having agreed upon such alteration of its rules as the [F¹FCA] directs.
- (12) Where the [F¹FCA] proposes to give a direction under subsection (11) above in relation to a society it shall—
- (a) serve on the society a notice stating that it proposes to give a direction; and
 - (b) consider any representations made by the society within such period (not being less than fourteen days) from the date on which the notice is served as the [F¹FCA] may allow;
- and, if the society so requests, the [F¹FCA] shall afford to it an opportunity of being heard by the [F¹FCA] within that period.
- (13) Where under this section a society is treated as having agreed upon altered rules, the [F¹FCA] shall prepare three copies of rules for the society and shall—
- (a) retain and register one copy,
 - (b) send another to the secretary of the society, together with a certificate of registration, and
 - (c) keep another copy, together with a copy of that certificate, in the public file of the society;
- and the rules so registered shall be for all purposes the rules of the society until amended under the 1974 Act.
- (14) In this section "the transitional period" means the period beginning with the commencement date for this section and expiring with such day as the [F³Treasury prescribe] by order.
- (15) Subsections (5) to (14) above apply to the rules of a registered branch of an existing friendly society as they apply to the rules of the society.

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Textual Amendments

- F1** Word in s. 93 substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), [Sch. 9 para. 41](#) (with [Sch. 12](#))
- F2** Word in s. 93(5)(b) substituted (1.8.1996) by [S.I. 1996/1188](#) art. 5
- F3** Words in s. 93(14) substituted (17.8.2001 for specified purposes and otherwise 1.12.2001) by [S.I. 2001/2617](#), arts. 2, 8(1), 13(1), [Sch. 3 para. 103\(b\)](#) (with [art. 13\(3\)](#), [Sch. 5](#)); [S.I. 2001/3538](#), [art. 2\(1\)](#)

Modifications etc. (not altering text)

- C1** [S. 93\(14\)](#): functions of Friendly Societies Commission transferred (17.8.2001) to the Treasury by [S.I. 2001/2617](#), [arts. 2\(b\)](#), [4\(1\)](#), [Sch. 1 Pt. II](#)

Commencement Information

- I1** [S. 93](#) wholly in force; [s. 93](#) not in force at Royal Assent see [s. 126\(2\)](#); [s. 93\(1\)-\(4\)](#) in force 1.2.1993 by [S.I. 1993/16](#), [art. 2](#), [Sch. 3](#); [s. 93 \(5\)-\(15\)](#) in force at 1.1.1994 by [S.I. 1993/2213](#), [art. 2\(1\)](#), [Sch. 6](#)

Marginal Citations

- M1** [1974 c.46](#)

94 Registered friendly societies and branches: validation and ratification by members.

- (1) Subject to subsection (3) below, if action not permitted by the rules of a registered friendly society or a registered branch is taken by or on behalf of the society or branch, the action is valid (whether or not it would be valid apart from this subsection) if all the members of the society or branch—
- signified their agreement to it in writing before it was taken; or
 - signified their approval of it in writing before the end of the period of 28 days commencing with the day on which it was taken.
- (2) Subject to subsection (3) below, if a contract between a registered friendly society or branch and its members purports to create rights and obligations as to which the rules of the society or branch do not permit rights and obligations to be created, the contract shall be valid and shall bind all members of the society or branch if all members of the society or branch are parties to it.
- (3) This section does not validate the taking of any action or any term in a contract unless the matter falls within the capacity of a registered friendly society or branch under the 1974 Act or this Act.
- (4) In this section references to the members of a society or branch are to the members entitled to vote at a meeting of the society or branch.

95 Amendments of 1974 Act.

Schedule 16 to this Act (which contains amendments to the 1974 Act) shall have effect.

Commencement Information

- I2** [S. 95](#) partly in force; [s. 95](#) not in force at Royal Assent see [s. 126\(2\)](#); [s. 95](#) in force for certain purposes at 13.1.1993 by [S.I. 1993/16](#), [art. 2](#), [Sch. 2](#); [s. 95](#) in force for certain purposes at 1.2.1993 by [S.I.](#)

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1993/16, art. 2, **Sch. 3**; s. 95 in force to the extent specified for all remaining purposes at 13.9.1993 by S.I. 1993/2213, art. 2(1), **Sch. 2**; s. 95 in force to the extent specified at 13.9.1993 by S.I. 1993/2213, art. 2(1), **Sch. 3**; s. 95 in force to the extent specified at 1.1.1994 by S.I. 1993/2213, art. 2(1), **Sch. 6**; s. 95 in force to the extent specified at 1.1.1994 by S.I. 1993/3226, **art. 2(1) Sch. 2**

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