



# Friendly Societies Act 1992

## 1992 CHAPTER 40

### PART X

#### GENERAL AND SUPPLEMENTARY

##### *General*

#### **102 Power to amend, etc. to assimilate to company law or law relating to persons carrying on insurance business.**

- (1) If, on any modification of the statutory provisions in force in Great Britain or Northern Ireland relating—
- (a) to companies; or
  - (b) to persons or bodies of persons, other than friendly societies, whether incorporated or not, carrying on insurance business (including reinsurance business),

it appears to the Treasury to be expedient to modify the relevant provisions of this Act for the purpose of assimilating the law relating to friendly societies to the law as so modified, the Treasury may, by order, make such modifications of the relevant provisions of this Act as they think appropriate for that purpose.

- (2) The “relevant provisions of this Act” are the following provisions as for the time being in force, that is to say—
- (a) so much of Part II as relates to winding up;
  - (b) Part IV;
  - (c) Part V;
  - (d) Part VI; and
  - (e) Part VIII.
- (3) The power conferred by subsection (1) above includes power to modify the relevant provisions of this Act so as to—
- (a) confer power to make orders, regulations, rules or other subordinate legislation;

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- (b) create criminal offences; or
  - (c) provide for the charging of fees but not any charge in the nature of taxation.
- (4) An order under this section may—
- (a) make consequential amendments of or repeals in other provisions of this Act; or
  - (b) make such transitional or saving provisions as appear to the Treasury to be necessary or expedient.
- (5) In this section—
- “modification” includes any additions and, as regards modifications of the statutory provisions relating to companies, any modification whether effected by any future Act or by an instrument made after the passing of this Act under an Act whenever passed; and
  - “statutory provisions” includes the provisions of any instrument made under an Act.

**103 Power to modify [F1Part] VI in relation to particular friendly societies.**

- (1) The [F2appropriate authority] may, on the application or with the consent of a friendly society, F3 . . . direct that all or any of the provisions of Part F4 . . . VI of this Act [F5, or any provision of regulations made for the purposes of that Part,] shall not apply to the society or shall apply to it with such modifications as may be specified in the [F6direction].
  - (2) [F7A direction] under this section may be subject to conditions.
  - (3) [F8A direction] under this section may be revoked by the [F2appropriate authority] at any time; and the [F2appropriate authority], may at any time vary any such [F9direction] on the application or with the consent of the society to which it applies.
- [F10(3A) The PRA must consult the FCA before making, varying or revoking a direction under this section.
- (3B) The PRA must send the FCA a copy of any direction, variation or revocation under this section.]
- F11(4) . . . . .
- F11(5) . . . . .
- F11(6) . . . . .
- [F12(7) The FCA must keep in a register kept by it for the purposes of this subsection a copy of any direction, variation or revocation under this section.]
- F13(8) The register kept for the purposes of subsection (7) above shall be available for inspection on reasonable notice by members of the public.
- F13(9) The [F14[F15FCA] shall keep] a copy of—
- (a) any direction F16 . . . under [F17this section], and
  - (b) any revocation or variation of any such direction,
- [F18and the central office shall keep the copy] in the public file of the society to which it relates.

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### Textual Amendments

- F1** Word in the sidenote to s. 103 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. 107(a)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F2** Words in s. 103(1)(3) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 42(2)** (with Sch. 12)
- F3** Words in s. 103(1) repealed (1.12.2001) by S.I. 2001/2617, arts. 2, 13(2), **Sch. 4** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F4** Words in s. 103(1) repealed (1.12.2001) by S.I. 2001/2617, arts. 2, 13(2), **Sch. 4** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F5** Words in s. 103(1) inserted (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. 107(b)(iv)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F6** Word in s. 103(1) 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. 107(b)(v)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F7** Words in s. 103(2) 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. 107(c)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F8** Words in s. 103(3) 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. 107(d)(i)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F9** Word in s. 103(3) 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. 107(d)(iii)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F10** S. 103(3A)(3B) inserted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 42(3)** (with Sch. 12)
- F11** S. 103(4)-(6) repealed (1.12.2001) by S.I. 2001/2617, arts. 2, 13(2), **Sch. 4** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F12** S. 103(7) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 42(4)** (with Sch. 12)
- F13** S. 103(4)-(9) inserted (1.8.1996) by S.I. 1996/1188 art. 6
- F14** Words in s. 103(9) 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. 107(g)(i)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F15** Word in s. 103(9) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 42(5)(a)** (with Sch. 12)
- F16** Words in s. 103(9)(a) omitted (1.4.2013) by virtue of The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 42(5)(b)** (with Sch. 12)
- F17** Words in s. 103(9)(a) 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. 107(g)(ii)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F18** Words in s. 103(9) 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. 107(g)(iii)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**

### 104 Public file of a friendly society.

- (1) The [F19FCA] shall prepare and maintain a file relating to each friendly society (to be known as the public file) and the file shall—

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- (a) contain the documents or, as the case may be, copies of the documents and the records of the matters directed by or under any provision of this Act to be kept in the public file of the society; and
  - (b) be available for inspection on reasonable notice by members of the public [<sup>F20</sup>subject to paragraph (2A) below] below.
- [<sup>F21</sup>(1A) The requirement to prepare and maintain the public file of a friendly society does not apply in relation to a document, a copy of a document or a record, if the [<sup>F19</sup>FCA]—
- (a) prepares and maintains an electronic copy of the document, copy or record; and
  - (b) places the electronic copy on the [<sup>F19</sup>FCA]’s website.]
- (2) Any member of the public shall be entitled, [<sup>F22</sup>subject to paragraph (2A) below], to be furnished with a copy of all or any of the documents or records kept in the public file of a friendly society.
- [<sup>F23</sup>(2A) The [<sup>F19</sup>FCA] may charge a reasonable fee for making the public file available to any person for inspection under subsection (1)(b) above, [<sup>F24</sup>for making an electronic copy available under subsection (1A) above] or for furnishing any person with a copy of any documents or records under subsection (2) above.]
- (3) The [<sup>F19</sup>FCA] may keep in the public file of a registered friendly society any documents relating to a registered branch of the society which correspond to documents relating to the society which it is required to keep on that file.

#### Textual Amendments

- F19** Word in s. 104 substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), **Sch. 9 para. 43** (with Sch. 12)
- F20** Words in s. 104(1)(b) 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. 108(b)(i)** (with art. 13(3), Sch. 5); [S.I. 2001/3538](#), **art. 2(1)** also substituted (1.12.2001) by [S.I. 2001/3649](#), **arts. 1, 203(5)(a)**
- F21** S. 104(1A) inserted (12.4.2011) by [The Mutual Societies \(Electronic Communications\) Order 2011 \(S.I. 2011/593\)](#), arts. 1(1), **5(a)**
- F22** Words in s. 104(2) 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. 108(b)(ii)** (with art. 13(3), Sch. 5); [S.I. 2001/3538](#), **art. 2(1)** also substituted (1.12.2001) by [S.I. 2001/3538](#), **arts. 1, 203(5)(b)**
- F23** S. 104(2A) inserted (17.8.2001 for specified purposes and otherwise 1.12.2001) by [S.I. 2001/2617](#), arts. 2, 8(1), 13(1), **Sch. 3 Pt. 1 para. 108(c)** (with art. 13(3), Sch. 5); [S.I. 2001/3538](#), **art. 2(1)**
- F24** Words in s. 104(2A) inserted (12.4.2011) by [The Mutual Societies \(Electronic Communications\) Order 2011 \(S.I. 2011/593\)](#), arts. 1(1), **5(b)**

## 105 Exemptions from stamp duty.

Stamp duty shall not be chargeable upon any document required or authorised by this Act, the 1974 Act or by the constitution of an incorporated friendly society or of a registered friendly society or registered branch.

### [<sup>F25</sup>105A Stamp duty land tax

- (1) A land transaction effected by or in consequence of—
  - (a) an amalgamation of two or more friendly societies under section 85,

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- (b) a transfer of the engagements of a friendly society under section 86; or
  - (c) a transfer of the engagements of a friendly society pursuant to a direction given by the [<sup>F26</sup>appropriate authority] under section 90,
- is exempt from charge for the purposes of stamp duty land tax.
- (2) Relief under this section must be claimed in a land transaction return or an amendment of such a return.
- (3) In this section—
- “land transaction” has the meaning given by section 43(1) of the Finance Act 2003;
  - “land transaction return” has the meaning given by section 76(1) of that Act.]

#### Textual Amendments

- F25** S. 105A inserted (1.12.2003) by [The Stamp Duty Land Tax \(Consequential Amendment of Enactments\) Regulations 2003 \(S.I. 2003/2867\)](#), reg. 1, **Sch. para. 20**
- F26** Words in s. 105A(1)(c) substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), **Sch. 9 para. 44** (with Sch. 12)

### 106 Officers and auditors not to be exempted from liability.

- (1) Subject to subsection (3) below, any provision to which this section applies, whether contained in the constitution of a friendly society or in any contract with a friendly society or otherwise, shall be void.
- (2) This section applies to any provision for—
- (a) exempting any member of the committee of management, other officer, or person employed as auditor of a friendly society from any liability which, by virtue of any rule of law, would otherwise attach to him in respect of the negligence, default, breach of duty or breach of trust of which he may be guilty in relation to the society; or
  - (b) indemnifying any such person against any such liability.
- (3) Subsection (1) above shall not prevent a friendly society—
- (a) from purchasing and maintaining for such a person insurance against any such liability; or
  - (b) from indemnifying such a person against any liability incurred by him in defending any proceedings (whether criminal or civil) in which judgement is given in his favour or in which he is acquitted.
- (4) [<sup>F27</sup>Section 1157 of the Companies Act 2006] (<sup>F28</sup>... which empowers the court to grant relief in certain cases of negligence, default, breach of duty or breach of trust) shall apply in relation to officers and auditors of a friendly society as it applies in relation to officers and auditors of a company.
- (5) For the purposes of this section a reference to an officer of a friendly society includes a reference to the appropriate actuary.

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### Textual Amendments

- F27** Words in s. 106(4) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 133(6)(a)** (with art. 10)
- F28** Words in s. 106(4) omitted (1.10.2009) by virtue of [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 133(6)(b)** (with art. 10)

## 107 Time limit for commencing proceedings.

- (1) Notwithstanding any limitation on the time for the taking of proceedings contained in any enactment, summary proceedings for any offence under this Act [<sup>F29</sup>, other than an offence in relation to which provision is made in subsection (1A),] may, subject to subsection (2) below, be commenced [<sup>F30</sup>by the FCA] at any time within the period of one year beginning with the date on which evidence sufficient in [<sup>F31</sup>its opinion] to justify a prosecution for the offence, comes to its knowledge.
- [<sup>F32</sup>(1A) Notwithstanding any limitation on the time for taking proceedings contained in any Act, summary proceedings for the offences under the provisions listed in subsection (1B), in the circumstances specified in that subsection in relation to those provisions, may be commenced by the PRA, after notifying the FCA, or by the FCA, after notifying the PRA, at any time within the period mentioned in subsection (1C).
- (1B) The provisions and the circumstances are—
- (a) section 20 (dissolution by consent), if the failure referred to in subsection (6) or (8) of that section relates to a failure to give notice to the PRA;
  - (b) section 21 (voluntary winding up), if the failure referred to in subsection (4) of that section relates to a failure to send a copy of the resolution to the PRA in accordance with subsection (2) of that section;
  - (c) section 25 (power of court to declare dissolution of building society void), if the failure referred to in subsection (5) of that section relates to a failure to send a copy of an order to the PRA in accordance with subsection (4) of that section;
  - (d) section 62 (powers to obtain information and documents etc.), if—
    - (i) the failure referred to in subsection (9) of that section is a failure to furnish any information or report, to produce any documents or material, or to provide any explanation or make any statement to the PRA, or
    - (ii) the information, explanation or statement referred to in subsection (10) or (11) of that section is furnished, provided or made to the PRA;
  - (e) section 65(4) and (5) (investigations), if the person appointed under subsection (1) of that section was appointed by the PRA;
  - (f) section 87(6) (actuary's report), if the PRA directed the transferee to furnish it with a report under subsection (3) of that section;
  - (g) Schedule 10, paragraph 24 (winding up by the court), if the failure referred to in sub-paragraph (4) of that paragraph relates to a failure to give notice to the PRA in accordance with sub-paragraph (3) of that paragraph;

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- (h) Schedule 10, paragraph 54 (winding up by the High Court), if the failure referred to in sub-paragraph (4) of that paragraph relates to a failure to give notice to the PRA in accordance with sub-paragraph (3) of that paragraph;
  - (i) Schedule 14, paragraph 3 (auditors: appointment), if the failure referred to in sub-paragraph (2) of that paragraph relates to a failure to give notice to the PRA in accordance with sub-paragraph (1) of that paragraph;
  - (j) Schedule 14, paragraph 9 (power of appropriate authority to require second audit), if the failure referred to in sub-paragraph (5) of that paragraph relates to a direction given by the PRA under paragraph (1) of that paragraph or a direction to send a copy of the report to the PRA in accordance with sub-paragraph (3) of that paragraph;
  - (k) Schedule 14, paragraph 10 (removal of auditors), if the failure referred to in sub-paragraph (3) of that paragraph relates to a failure to give notice to the PRA in accordance with sub-paragraph (2) of that paragraph;
  - (l) Schedule 14, paragraph 12 (resignation of auditors), if the default referred to in sub-paragraph (5) of that paragraph relates to a failure to give a copy of the notice to the PRA in accordance with sub-paragraph (4) of that paragraph; and
  - (m) Schedule 14, paragraph 15 (offences of failing to comply with paragraph 14 (statement by person ceasing to hold office)), if—
    - (i) the default referred to in sub-paragraph (1) of that paragraph relates to a failure to send a copy of a notice to the PRA in accordance with paragraph 14(2) or (7) of that Schedule, or
    - (ii) the default referred to in sub-paragraph (2) is the default of a PRA-  
authorised person.
- (1C) The period is one year beginning with the date on which evidence comes to the knowledge of one or both of the FCA and the PRA, being evidence sufficient in the opinion of the FCA or the PRA (as the case may be) to justify a prosecution.]
- (2) Nothing in subsection (1) [<sup>F33</sup>or (1A)] above shall authorise the commencement of proceedings for any offence at a time more than three years after the date on which the offence was committed.
- (3) For the purposes of [<sup>F34</sup>subsections (1) and (1C)] above a certificate, purporting to be signed by or on behalf of the [<sup>F35</sup>FCA or the PRA], as to the date on which such evidence as is mentioned in [<sup>F36</sup>the relevant subsection] came to its knowledge, shall be conclusive evidence of that date.
- [<sup>F37</sup>(4) In the application of this section to Scotland—
- (a) in subsection (1), omit the words “by the FCA”,
  - (b) omit subsections (1A), (1B) and (1C), and
  - (c) references to the FCA are to be read as references to the Lord Advocate.]
- (5) In the application of this section to Scotland, [<sup>F38</sup>section 136(1) of the Criminal Procedure (Scotland) Act 1995] shall apply for the purposes of this section as it applies for the purposes of that section.

#### Textual Amendments

**F29** Words in s. 107(1) inserted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), [Sch. 9 para. 45\(2\)\(a\)](#) (with Sch. 12)

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- F30** Words in s. 107(1) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 45(2)(b)** (with Sch. 12)
- F31** Words in s. 107(1) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 45(2)(c)** (with Sch. 12)
- F32** S. 107(1A)-(1C) inserted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 45(3)** (with Sch. 12)
- F33** Words in s. 107(2) inserted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 45(4)** (with Sch. 12)
- F34** Words in s. 107(3) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 45(5)(a)** (with Sch. 12)
- F35** Words in s. 107(3) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 45(5)(b)** (with Sch. 12)
- F36** Words in s. 107(3) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 45(5)(c)** (with Sch. 12)
- F37** S. 107(4) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 45(6)** (with Sch. 12)
- F38** Words in s. 107(5) substituted (1.4.1996) by 1995 c. 40 ss. 5, 7(2), Sch. 4 para. 84

## **108 Offences by bodies corporate, partnerships and unincorporated associations.**

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any member of the committee of management, director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by the members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (3) Where a partnership is guilty of an offence under this Act, every partner, other than a partner who is proved to have been ignorant of or to have attempted to prevent the commission of the offence, shall also be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (4) Where an unincorporated association (other than a partnership) is guilty of an offence under this Act—
  - (a) every officer of the association who is bound to fulfil any duty of which the breach is the offence; or
  - (b) if there is no such officer, every member of the governing body other than a member who is proved to have been ignorant of or to have attempted to prevent the commission of the offence,
 shall also be guilty of the offence and be liable to be proceeded against and punished accordingly.

## **109 Defence of due diligence.**

In any proceedings for an offence under this Act, it shall be a defence for a person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.



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### **[<sup>F39</sup>110 Jurisdiction of magistrates' courts in Northern Ireland.**

- (1) In Northern Ireland, a friendly society or an officer of a friendly society may be prosecuted for a summary offence under this Act before a magistrates' court acting for the county court division in which the registered office of the society is situated.
- (2) Subsection (1) is without prejudice to the provisions of the Magistrates' Courts (Northern Ireland) Order 1981 as to the jurisdiction of a magistrates' court.]

#### **Textual Amendments**

- F39** S. 110 repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 101, **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

### **111 Evidence.**

- <sup>F40</sup>(1) Any document bearing the seal or stamp of the [<sup>F41</sup>FCA] shall be received in evidence without further proof.
- (1A) Any document purporting to have been signed by a person authorised to do so on behalf of the [<sup>F42</sup>FCA or the PRA], and every document purporting to be signed by any inspector or public valuer under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.
- (1B) In subsections (1) and (1A), “document” means any document issued, received or created by the [<sup>F42</sup>FCA or the PRA] (or, as the case may be, by any inspector or public valuer under this Act) for the purposes of or in connection with this Act.]
- (2) Any printed document purporting to be a copy of the rules or memorandum of an incorporated friendly society or the rules of a registered friendly society or a registered branch and certified by the secretary or other officer of the society or branch to be a true copy of its rules or memorandum as registered, shall be received in evidence and shall, in the absence of any evidence to the contrary, be deemed to be a true copy of its rules or memorandum.

#### **Textual Amendments**

- F40** S. 111(1)-(1B) substituted (17.8.2001 for specified purposes and otherwise 1.12.2001) for s. 111(1) by S.I. 2001/2617, arts. 2, 8(1), 13(1), **Sch. 3 para. 110** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F41** Word in s. 111(1) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 46(2)** (with Sch. 12)
- F42** Words in s. 111(1A)(1B) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 46(3)** (with Sch. 12)

### **112 Records of friendly societies.**

- (1) Subject to any other provision of this Act or regulations under it, any record to be kept by a friendly society may be kept in any manner.
- (2) Where any such record 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.

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- (3) The power in subsection (1) above includes power to keep the record by recording matters otherwise than in legible form so long as the recording is capable of being reproduced in a legible form; and any duty imposed by or under this Act to allow inspection of, or to furnish a copy of, the record or any part of it is to be treated as a duty to allow inspection of, or to furnish, a reproduction of the recording or of the relevant part of it in a legible form.
- (4) The [<sup>F43</sup>Treasury may by regulations], make such provision in addition to subsection (3) above as [<sup>F44</sup>they consider] appropriate in connection with such records as are kept otherwise than in legible form; and the regulations may make modifications of this Act so far as it relates to the records of friendly societies.
- (5) If default is made in complying with this section the society shall be guilty of an offence and liable on summary conviction—
- (a) to a fine not exceeding level 4 on the standard scale; and
  - (b) in the case of a continuing offence, to an additional fine not exceeding one-tenth of that level for every day during which the offence continues.

#### Textual Amendments

- F43** Words in s. 112(4) 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, Pt. 1 para. 111(a)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F44** Words in s. 112(4) 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. 111(b)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**

#### Modifications etc. (not altering text)

- C1** S. 112(4): functions of Friendly Societies Commission transferred (1.12.2001) to the Treasury by S.I. 2001/2617, arts. 2(b), 4(1), **Sch. 1 Pt. II** (with art. 5); S.I. 2001/3538, **art. 2(1)**

### 113 Service of notices.

- (1) This section has effect in relation to any notice, directions or other document required or authorised by or under any provision of this Act or by the rules of a friendly society to be served on any person other than the [<sup>F45</sup>FCA or the PRA] but subject, in the case of notices or other documents to be given or sent to members of a friendly society, to any provision of its rules.
- (2) Any such document may be served on the person in question—
- (a) by delivering it to him;
  - (b) by leaving it at his proper address; <sup>F46</sup>...
  - (c) by sending it by post to him at that address [<sup>F47</sup>; or
  - (d) by sending it by electronic means to an electronic address notified by the person for the purpose.]
- (3) Any such document may—
- (a) in the case of a friendly society, be served on the secretary of the society;
  - (b) in the case of a body corporate (other than an incorporated friendly society), be served on the secretary or clerk of that body;
  - (c) in the case of a partnership, be served on any partner;

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- (d) in the case of an unincorporated association, other than a partnership or a registered friendly society or registered branch, be served on any member of its governing body.
- (4) For the purposes of this section and section 7 of the <sup>M1</sup>Interpretation Act 1978 (service of documents) in its application to this section, the proper address of any person is—
- (a) in the case of a friendly society or its secretary, the address of its registered office;
  - (b) in the case of a member of an incorporated friendly society, his registered address;
  - (c) in the case of a member of the committee of management or the chief executive of a friendly society, his officially notified address;
  - (d) in the case of a body corporate (other than an incorporated friendly society), its secretary or clerk, the address of its registered or principal office in the United Kingdom;
  - (e) in the case of an unincorporated association (other than a partnership, registered friendly society or registered branch) or a member of its governing body, its principal office in the United Kingdom;
- and, in any other case, his last-known address (whether of his residence or of a place where he carries on business or is employed).

#### Textual Amendments

- F45** Words in s. 113(1) substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), [Sch. 9 para. 47](#) (with Sch. 12)
- F46** Word in s. 113(2) omitted (12.4.2011) by virtue of [The Mutual Societies \(Electronic Communications\) Order 2011 \(S.I. 2011/593\)](#), arts. 1(1), [8\(a\)](#)
- F47** S. 113(2)(d) and word inserted (12.4.2011) by [The Mutual Societies \(Electronic Communications\) Order 2011 \(S.I. 2011/593\)](#), arts. 1(1), [8\(b\)](#)

#### Marginal Citations

- M1** 1978 c. 30.

### [<sup>F48</sup>114 Form of documents.

- (1) [<sup>F49</sup>Each of the FCA and the PRA may], by directions under this section, make provision with respect to the form of, and the particulars to be included in [<sup>F50</sup>, and the authentication of,] any document to be sent to it under this Act or the 1974 Act.

[ The PRA and the FCA must each consult the other before issuing a direction under <sup>F51</sup>(1A) this section if the document in question is required to be sent to both of them.]

- (2) The directions have effect subject to any other provision of or made under this Act.

[ As regards the authentication of a document sent to [<sup>F53</sup>it] electronically, [<sup>F54</sup>each of <sup>F52</sup>(3) the FCA and the PRA] may—

- (a) require the document to be authenticated by a particular person or a person of a particular description;
- (b) specify the means of authentication;
- (c) require the document to contain or be accompanied by the name or registered number of the society to which it relates (or both).

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- (4) As regards the procedure to be followed in sending a document electronically, [<sup>F55</sup>each of the FCA and the PRA] may specify requirements as to the hardware and software to be used, and technical specifications (for example, matters relating to protocol, security, anti-virus protection or encryption).
- (5) Directions made by [<sup>F56</sup>the FCA or the PRA] under this section must not require documents to be sent electronically.
- (6) In this section, a document is sent electronically if it is sent by electronic means or in electronic form.]]

#### Textual Amendments

- F48** S. 114 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**, Pt. 1 para. 113 (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**; s. 114(2)(3) expressed to be repealed (1.12.2001) by S.I. 2001/2617, arts. 2(b), 13(2), **Sch. 4** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**; s. 114 substituted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 204(1)
- F49** Words in s. 114(1) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 48(2)** (with Sch. 12)
- F50** Words in s. 114(1) inserted (12.4.2011) by The Mutual Societies (Electronic Communications) Order 2011 (S.I. 2011/593), arts. 1(1), **6(1)**
- F51** S. 114(1A) inserted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 48(3)** (with Sch. 12)
- F52** S. 114(3)-(6) inserted (12.4.2011) by The Mutual Societies (Electronic Communications) Order 2011 (S.I. 2011/593), arts. 1(1), **6(2)**
- F53** Word in s. 114(3) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 48(4)(a)** (with Sch. 12)
- F54** Words in s. 114(3) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 48(4)(b)** (with Sch. 12)
- F55** Words in s. 114(4) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 48(5)** (with Sch. 12)
- F56** Words in s. 114(5) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 48(6)** (with Sch. 12)

### 115 Provision as to information supplied for purposes of social security.

- (1) Subject to any exceptions or conditions prescribed by regulations of the Secretary of State, the Secretary of State shall at the request of any person claiming benefit from an incorporated friendly society provide the society for the purposes of the claim with a copy or abstract of any medical certificate relating to that person and supplied by him to the Secretary of State for the purposes of the enactments relating to social security.
- (2) Where the Secretary of State furnishes an incorporated friendly society, in connection with a claim for benefit from the society with information relating to a claim or award under those enactments, the expenses incurred in connection with his doing so by the Secretary of State or any other government department shall be treated as expenses in carrying those enactments into effect.
- [<sup>F57</sup>(3) In this section, references to the Secretary of State shall be construed as including references to the Department of Health and Social Services for Northern Ireland.]

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**Textual Amendments**

**F57** [S. 115\(3\)](#) inserted (1.4.1995) by [S.I. 1995/710](#), **reg. 6**

**Changes to legislation:**

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