



Friendly and Industrial and Provident Societies Act 1968 (repealed)

1968 CHAPTER 55

Societies: accounts and audit, etc.

[^{F1}4A Power of societies to disapply section 4.

- (1) Subject to subsections (3) and (4) of this section, a society may disapply section 4 of this Act in relation to any year of account beginning on or after the day on which the Deregulation (Industrial and Provident Societies) Order 1996 comes into force if—
 - (a) the value of its assets at the end of the preceding year of account did not in the aggregate exceed [^{F2}£2,800,000,] and
 - (b) its turnover for that year did not exceed [^{F3}£5,600,000]
- (2) The power conferred by subsection (1) of this section shall be exercisable by resolution passed at a general meeting at which—
 - (a) less than 20 per cent. of the total votes cast are cast against the resolution, and
 - (b) less than 10 per cent. of the members of the society for the time being entitled under the society's rules to vote cast their votes against the resolution.
- (3) Subsection (1) of this section shall not apply to a society which—
 - (a) is a credit union within the meaning of the Credit Unions Act 1979,
 - ^{F4}(b)
[is registered in the register of social landlords maintained under section 57 of
 - ^{F5}(ba) the Housing (Scotland) Act 2001 (asp 10),]
 - (c) is, or has, a subsidiary,
 - (d) ^{F6} . . . ^{F6} . . . or
 - (e) holds, or has, at any time since the end of the preceding year of account, held, a deposit ^{F7} . . . , other than a deposit in form of withdrawable share capital.
- (4) The [^{F8}Authority] may by notice to a society disapply subsection (1) of this section in relation to the year of account of the society in which the notice is given.

Status: Point in time view as at 06/04/2008. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Friendly and Industrial and Provident Societies Act 1968 (repealed), Section 4A. (See end of Document for details)

- (5) Where a society exercises the power conferred by subsection (1) of this section, the disapplication shall cease to have effect if, at any time before the end of the year of account to which it relates—
- (a) the society becomes one to which subsection (3) of this section applies, or
 - (b) the [^{F8}Authority] gives the society notice under subsection (4) of this section.
- (6) In the case of a society which is a charity within the meaning of the Charities Act 1993 ^{F9}, or a recognised body as defined by section 1(7) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 ^{F10}, subsection (1) of this section shall have effect with the substitution for paragraph (b) of—
- (b) its gross income for that year did not exceed £250,000."
- (7) For a period which is a society's year of account, but not in fact a year, the maximum figure in subsection (1)(b) of this section (including that provision as it has effect by virtue of subsection (6) of this section) shall be proportionately adjusted.
- (8) In this section, "turnover", in relation to a society, means the amounts derived from the provision of goods and services falling within the society's activities, after deduction of—
- (a) trade discounts,
 - (b) value added tax, and
 - (c) any other taxes based on the amounts so derived.]
- [^{F11}(9) In subsection (3), the reference to a deposit must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000;
 - (b) any relevant order under that section;
 - (c) Schedule 2 to that Act.]

Textual Amendments

- F1** S. 4A inserted (1.9.1996) by [S.I. 1996/1738](#) arts. 1, 8(1)
- F2** Words in S. 4A(1)(a) substituted (6.4.2006) by [Friendly and Industrial and Provident Societies Act 1968 \(Audit Exemption\) \(Amendment\) Order 2006 \(S.I. 2006/265\)](#), arts. 1, **2(2)** (with art. 3)
- F3** Words in S. 4A(1)(b) substituted (6.4.2006) by [Friendly and Industrial and Provident Societies Act 1968 \(Audit Exemption\) \(Amendment\) Order 2006 \(S.I. 2006/265\)](#), arts. 1, **2(3)** (with art. 3)
- F4** S. 4A(3)(b) repealed (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), s. 270(4)(5)(f), [Sch. 16](#); [S.I. 2006/1060](#), art. 2(1)(e) (with Sch.); [S.I. 2006/1535](#), art. 2(c) (with Sch.)
- F5** S. 4A(3)(ba) inserted (1.11.2001) by [2001 asp 10](#), s. 112, [Sch. 10 para. 2\(b\)](#); [S.S.I. 2001/336](#), art. 2(3), [Sch. Pt. II](#) Table (subject to transitional provisions in art. 3)
- F6** S. 4A(3)(d) omitted (6.4.2008) by virtue of [Insurance Accounts Directive \(Miscellaneous Insurance Undertakings\) Regulations 2008 \(S.I. 2008/565\)](#), regs. 1(2), **15(2)** (with reg. 1(2))
- F7** Words in s. 4A(3)(e) repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1](#), 184(2)
- F8** Words in s. 4A(4)(5)(b) substituted (1.12.2001) by [S.I. 2001/2617](#), arts. 2(b), 13(1), [Sch. 3 Pt. III para. 249](#) (subject to savings and transitional provisions in art. 13(3)); [S.I. 2001/3538](#), [art. 2\(1\)](#)
- F9** 1993 c. 10.
- F10** 1990 c. 40.
- F11** S. 4A(9) inserted (1.12.2001) by [S.I. 2001/3649](#), [arts. 1](#), 184(3)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Friendly and Industrial and Provident Societies Act 1968 (repealed), Section 4A.