



# Friendly Societies Act 1974

## 1974 CHAPTER 46

### *General provisions*

#### 111 Interpretation. **U.K.**

(1) In this Act, unless a contrary intention appears,—

“amendment of rule” includes a new rule and a resolution rescinding a rule;

“annual return” shall be construed in accordance with section 43 above;

“branch” means any number of the members of a society, under the control of a central body, having a separate fund administered by themselves or by a committee or officers appointed by themselves, and bound to contribute to a fund under the control of a central body;

“the central registration area” has the meaning assigned to it by section 4(2) above;

“collecting society” has the same meaning as in the <sup>M1</sup>Industrial Assurance Act 1923 [<sup>F1</sup>or the Industrial Assurance (Northern Ireland) Order 1979];

[<sup>F2</sup>“Commission” means the Friendly Societies Commission;]

“committee” means the committee of management or other directing body of a society or branch;

“the Companies Acts” means the [<sup>F3</sup>Companies Act 1985 [<sup>F1</sup>or, in Northern Ireland, the Companies (Northern Ireland) Order 1986]]and any earlier enactment for the like purposes which has been repealed;

“exempt society” and “exempt branch” shall be construed in accordance with section 31(4) above;

“Gazette”, in relation to a registered society or branch, means—

(a) the London Gazette if the registered office of the society or branch is situated in the central registration area;

(b) the Edinburgh Gazette if the registered office of the society or branch is situated in Scotland;

[<sup>F4</sup>(c) the Belfast Gazette if the registered office of the society or branch is in Northern Ireland]

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“land” includes any interest in land and, in Scotland, heritable subjects of whatever description;

“meeting” includes, where the rules of a society or branch so allow, a meeting of delegates appointed by members;

“officer” includes any trustee, treasurer, secretary, or member of the committee of management of a society or branch or any person appointed by the society or branch to sue and be sued on its behalf;

“persons claiming through a member” includes the nominees of the member where nomination is allowed;

“property” extends to all property, whether real or personal, including books and papers and (in Scotland) to all heritable and moveable estate;

“proposal”, in relation to an insurance, includes an application for an insurance;

“qualified actuary” has the meaning assigned to it by section 9(3) above;

“registered”, in relation to a society or branch, means registered under this Act or any other enactment (whether similar in extent to this Act or not) which at any time before the commencement of this Act made provision for registration similar to that made by this Act;

“signed”, in relation to a body corporate means sealed; and

[<sup>F2</sup>“the 1992 Act” means the Friendly Societies Act 1992]

“Treasury regulations” means any regulations made and approved by the Treasury and in force under this Act.

- (2) Any reference in this Act to a particular type of society shall be construed in accordance with section 7(1) above.
- (3) Any reference in this Act to the registrar for a registration area shall be construed—
  - (a) in relation to the central registration area as a reference to the central office; and
  - (b) in relation to Scotland as a reference to the assistant registrar for Scotland;
 and any reference in this Act to the registrar, in relation to a society or branch, is a reference to the registrar for the registration area in which the registered office of the society or branch is for the time being, or is to be.
- (4) In this Act “year of account” in relation to a registered society or branch, means, with respect to the year in which it is first registered, the period beginning with the date of registration and ending with 31st December of that year and, in any other case, a period of twelve months ending with 31st December; and
  - (a) “the current year of account”, in relation to the appointment of an auditor or auditors, means the year of account in which the question of that appointment arises; and
  - (b) “the preceding year of account” means the year of account immediately preceding the current year of account.
- (5) In the application of this Act to Scotland “heritable security” means any security capable of being constituted over any interest in land by disposition or assignation of that interest in security of any debt, and of being recorded in the Register of Sasines.

<sup>F5</sup>(6) . . . . .

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- (7) Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be taken as referring to that enactment as amended by or under any other enactment, including this Act.

**Textual Amendments**

- F1** Words in s. 111(1) added and inserted (1.1.1994) by Friendly Societies Act 1992 (c. 40), s. 95, **Sch. 16 para. 48(a)(c)** (with ss. 7(5) and 93(4)); S.I. 1993/3226, art. 2, **Sch. 2**.
- F2** Definitions in s. 111(1) inserted (1.2.1993) by Friendly Societies Act 1992 (c. 40), s. 95, **Sch. 16 para. 48(b)(e)** (with ss. 7(5) and 93(4)); S.I. 1993/16, art. 2, **Sch. 3**.
- F3** Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**.
- F4** Paragraph (c) in the definition of "Gazette" in s. 111(1) inserted (1.1.1994) by Friendly Societies Act 1992 (c. 40), s. 95, **Sch. 16 para. 48(d)** (with ss. 7(5) and 93(4)); S.I. 1993/3226, art. 2, **Sch. 2**.
- F5** S. 111(6) repealed (1.1.1994) by Friendly Societies Act 1992 (c. 40), s. 120(2), **Sch. 22 Pt. I** (with ss. 7(5) and 93(4)); S.I. 1993/3226, art. 2, **Sch. 2** appendix.

**Marginal Citations**

- M1** 1923 c. 8.

**112 Isle of Man.**

- (1) Subject to any express provision of this Act with respect to the Isle of Man, this Act in its application to the Isle of Man shall have effect subject to such adaptations and modifications as Her Majesty may by Order in Council specify.
- (2) Any Order in Council under subsection (1) above may be varied or revoked by a subsequent Order in Council so made.

**113 Channel Islands.**

- (1) Subject to any express provision of this Act with respect to the Channel Islands, this Act in its application to those Islands shall have effect subject to such adaptations and modifications as Her Majesty may by Order in Council specify.
- (2) Any Order in Council under subsection (1) above may be varied or revoked by a subsequent Order in Council so made.

**114 Payments to legal representative in Channel Islands and Isle of Man.**

Where any sum of money becomes payable on the death of a person entitled to make a nomination under this Act but domiciled in any of the Channel Islands or the Isle of Man, that sum shall, in default of any such nomination, be paid to the deceased's legal representative according to the law of the Island in which the deceased was domiciled.

<sup>F6</sup>**115** .....

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#### Textual Amendments

- F6** s. 115 repealed (1.1.1994) by Friendly Societies Act 1992 (c. 40), ss. 95, 120(2), Sch. 16 para. 49, **Sch. 22 Pt.I** (with ss. 7(5) and 93(4)); S.I. 1993/3226, art. 2, **Sch. 2** appendix.

### 116 Amendments, transitory provisions and repeals.

- (1) The enactments specified in Schedule 9 to this Act shall have effect subject to the amendments specified in that Schedule.
- (2) The transitory provisions in Schedule 10 to this Act shall have effect.
- (3) The inclusion in this Act of any express saving or amendment shall not be taken as prejudicing the operation of section 38 of the <sup>M2</sup> Interpretation Act 1889 (which relates to the effect of repeals).
- (4) Subject to subsection (2) above, the enactments specified in Schedule 11 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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

- C1** The text of s. 116(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

#### Marginal Citations

- M2** 1889 c. 63.

### 117 Short title, commencement and extent.

- (1) This Act may be cited as the Friendly Societies Act 1974.
- (2) This section, sections 112, 113 and 115 above and so much of section 109 above as relates to regulations under section 115 shall come into operation on the passing of this Act and the other provisions of this Act shall come into operation on such days as the Treasury may by order made by statutory instrument appoint.

Any reference in this Act to the commencement of this Act is a reference to the day appointed under this subsection.

- (3) This Act extends to [<sup>F7</sup>Northern Ireland,] the Isle of Man and the Channel Islands <sup>F8</sup> . . .

#### Textual Amendments

- F7** Words in s. 117(3) inserted (1.1.1994) by Friendly Societies Act 1992 (c. 40), s. 95, **Sch. 16 para.50** (with ss. 7(5) and 93(4)); S.I. 1993/3226, art. 2, **Sch. 2**.
- F8** Words in s. 117(3) repealed (1.1.1994) by Friendly Societies Act 1992 (c. 40), s. 120(2), **Sch. 22 Pt.I** ((with ss. 7(5) and 93(4)); S.I. 1993/3226, art. 2, **Sch. 2** appendix.

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

- C2** 1.4.1975 appointed under s. 117(2) by S.I. 1975/204 for all provisions not coming into operation on passing of the Act

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Friendly Societies Act 1974, Cross  
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