



Friendly Societies Act 1974

1974 CHAPTER 46

Miscellaneous

104 Fees

- (1) The Treasury may make regulations determining a scale of fees to be paid for matters to be transacted or for the inspection of documents under this Act.
- (2) The Treasury may by order provide that on the registration of, or of any amendment of the rules of, a society of any description specified in paragraphs (a) to (e) of section 7(1) above, fees may be charged in accordance with a scale determined by the Treasury under subsection (1) above, but, except in so far as an order so provides, no fees shall be payable on the registration of, or of any amendment of the rules of, any such society.
- (3) The power to make an order under subsection (2) above includes power to vary or revoke such an order by a further order so made.
- (4) Any power to make an order under this section shall be exercisable by statutory instrument, and a statutory instrument made in the exercise of any such power shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) All fees received by the Chief or an assistant registrar under or by virtue of this Act shall be paid into the Consolidated Fund.

105 Exemptions from stamp duty

Stamp duty shall not be chargeable upon any of the following documents, that is to say—

- (a) a letter or power of attorney granted by any person as trustee for the transfer of any money of a registered society or branch which is invested in his name in the public funds;
- (b) a policy of insurance or appointment or revocation of appointment of an agent or other document required or authorised by this Act or by the rules of a registered society or branch.

106 Certificates of births and deaths for purposes of Act

- (1) Applications for certificates of births and deaths for the purposes of this Act shall, in the case of births and deaths registered in England and Wales or in Scotland, be made in the form and under regulations approved by the Registrar General or, as the case may be, the Registrar General of Births, Deaths and Marriages for Scotland.
- (2) A certificate, for the purposes of this Act, of the birth or death of any member of, or any person insured or to be insured with, a registered friendly society or branch shall on an application made as mentioned in subsection (1) above be given under his hand by the registrar of births or deaths for a sum not exceeding 15p, in place of all fees or payments otherwise payable in respect thereof.
- (3) For the purposes of subsection (2) above, the expression " registrar of births or deaths " includes any person having the care of the register of births or deaths in which the birth or death is entered.

107 Provision as to information supplied for purposes of national insurance and 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 a registered friendly society or branch provide the society or branch 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 purposes of the enactments relating to national insurance and social security.
- (2) Where the Secretary of State furnishes a registered friendly society or branch, in connection with a claim for benefit from the society or branch, with information relating to a claim or award under those enactments, the expenses incurred in connection therewith by the Secretary of State or any other Government Department shall be treated as expenses in carrying those enactments into effect.
- (3) Until the amendments of section 9 of the Friendly Societies Act 1955 made by section 100(2)(a) of and paragraph 17 of Schedule 27 to the Social Security Act 1973 come into force the foregoing provisions of this section shall have effect as set out in Schedule 7 to this Act.

108 Protection for members of registered societies joining the forces

Any provision in the rules of a registered society or branch which purports to deprive persons of membership of the society or branch or of any interest therein by reason of their service in any of the naval, military or air forces of the Crown (which expression shall for the purposes of this section be treated, in the case of a woman, as including service in any of the capacities mentioned in Schedule 8 to this Act) shall be of no effect, and no person shall be fined for failure to attend any meeting of the society or branch or otherwise to comply with the rules thereof if the failure was due to his or her service as mentioned in this subsection.

109 Regulations

- (1) The Treasury may make regulations with respect to—
 - (a) registration and procedure under this Act, including, subject to sections 41(1) and 43(6) of this Act, the forms to be used for any purpose under this Act;

- (b) the seal to be used for registration;
 - (c) the duties and functions of the registrar; and
 - (d) the inspection of documents kept by the registrar under this Act;
- and generally for carrying this Act into effect.
- (2) Any power of the Treasury, the Secretary of State or the Chief Registrar to make regulations under this Act shall be exercisable by statutory instrument and a statutory instrument made in the exercise of any such power, other than an instrument containing only regulations under section 9 or 42 above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
 - (3) The Statutory Instruments Act 1946 shall apply to any power of the Chief Registrar under this Act to make regulations by statutory instrument as if he were a Minister of the Crown.

110 Evidence and deposit of documents

- (1) Every document bearing the seal or stamp of the central office shall be received in evidence without further proof.
- (2) Every document purporting to be signed by the Chief or any assistant registrar, or 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.
- (3) All documents required by this Act to be sent to the registrar shall be deposited with the rules of the societies to which the documents respectively relate and shall be registered or recorded by the registrar, with such observations thereon, if any, as the Chief Registrar may direct.

111 Interpretation

- (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 Industrial Assurance Act 1923 ;
 - " committee " means the committee of management or other directing body of a society or branch;
 - " the Companies Acts " means the Companies Acts 1948 to 1967 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;

Status: This is the original version (as it was originally enacted).

- (b) the Edinburgh Gazette if the registered office of the society or branch is situated in Scotland;
- " 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
- " 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.
- (6) Without prejudice to section 115 below, references in this Act to a registered society or branch shall not include a society or branch registered in Northern Ireland.

- (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.

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.

115 Reciprocal application of legislation relating to societies registered in Northern Ireland and in other parts of the British Islands

- (1) The Treasury may make reciprocal arrangements with the Department of Commerce for Northern Ireland or such other authority as may be specified for the purposes of this subsection by any Measure of the Northern Ireland Assembly with a view to securing that, on and after the commencement of this Act,—
- (a) the law applicable in England and Wales, the Channel Islands or the Isle of Man to societies registered at the central office and the law applicable in Scotland to societies registered by the assistant registrar for Scotland may be applied, in such cases and subject to such modifications as may be provided in the arrangements, to societies registered in Northern Ireland; and
 - (b) the law applicable in Northern Ireland to societies registered there may be applied, in such cases and subject to such modifications as may be provided in the arrangements, to societies registered at the central office or by the assistant registrar for Scotland.
- (2) The Treasury may make regulations for giving effect to any arrangements made under subsection (1) above, and such regulations may in particular—
- (a) confer rights and obligations (appropriate to registered societies) under this Act on societies registered in Northern Ireland in such circumstances as may be specified in the regulations ;

Status: This is the original version (as it was originally enacted).

- (b) confer functions on the Chief Registrar, the central office and the assistant registrar for Scotland in relation to societies registered in Northern Ireland ;
and
 - (c) make such modifications of this Act and the Government of Ireland (Companies, Societies, etc.) Order 1922 as appear to the Treasury to be expedient to give effect to the arrangements.
- (3) Any reference in this section to societies registered in Northern Ireland is a reference to societies which are registered or deemed to be registered in Northern Ireland under any enactment of the Parliament of Northern Ireland or any Measure of the Northern Ireland Assembly corresponding, in either case, to this Act.

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 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.

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 day 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 the Isle of Man and the Channel Islands but does not extend to Northern Ireland.