



Friendly Societies Act 1974

1974 CHAPTER 46

Registration of societies and branches

7 Societies which may be registered.

- (1) Subject to subsections (2) and (3) below and also to section 9 below, the following societies [^{F1}may remain] registered under this Act, that is to say,—
- (a) societies (in this Act called “friendly societies”) for the purpose of providing by voluntary subscriptions of the members, with or without the aid of donations, for [^{F2}any purpose falling within Schedule 2 to the 1992 Act];
 - (b) societies (in this Act called “cattle insurance societies”) for the purpose of insurance to any amount against loss of cattle, sheep, lambs, swine, horses, and other animals by death from disease or otherwise;
 - (c) societies (in this Act called “benevolent societies”) for any benevolent or charitable purpose;
 - (d) societies (in this Act called “working men’s clubs”) for purposes of social intercourse, mutual helpfulness, mental and moral improvement and rational recreation;
 - (e) societies (in this Act called “old people’s home societies”) for the purpose of providing homes for the members and others at any age after fifty;
 - (f) societies (in this Act called “specially authorised societies”) for any purpose which the Treasury may authorise as a purpose to which the provisions of this Act, or such of them as are specified in the authority, ought to be extended [^{F3}but no society may become registered under this Act after the commencement of section 93 of the 1992 Act.]
- (2) A society may not be registered under this Act unless—
- (a) the rules of the society contain provisions in respect of the several matters mentioned in Part I of Schedule 2 to this Act and, in the case of a friendly society or cattle insurance society, also contain provisions in respect of the several matters mentioned in Part II of that Schedule; and
 - (b) the place which under the society’s rules is to be the society’s registered office is situated in the central registration area or in Scotland; and

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Changes to legislation: There are currently no known outstanding effects for the Friendly Societies Act 1974, Cross Heading: Registration of societies and branches. (See end of Document for details)

(c) the society consists of at least seven persons.

(3) F4

(3A) F5

(4) Where any provisions of this Act are specified in an authority given under paragraph (f) of subsection (1) above, those provisions only shall extend to a society which has been registered as a specially authorised society by virtue of that authority.

(5) F5

Textual Amendments

- F1 Words in s. 7(1) substituted (1.2.1993) by Friendly Societies Act 1992 (c. 40), s. 95, Sch. 16 para. 4(a) (with ss. 7(5) and 93(4)); S.I. 1993/16, art. 2, Sch. 3.
- F2 Words in s. 7(1)(a) substituted (*prosp.*) by Friendly Societies Act 1992 (c. 40), ss. 95, 126(2), Sch. 16 para. 4(b) (with ss. 7(5), 93(4)).
- F3 Words in s. 7(1)(f) inserted (1.2.1993) by Friendly Societies Act 1992 (c. 40), s. 95 Sch. 16 para. 4(c) (with ss. 7(5) and 93(4)); S.I. 1993/16, art. 2, Sch. 3.
- F4 S. 7(3) repealed with saving by Finance Act 1985 (c. 54, SIF 63:1), ss. 41(4), 98(6), Sch. 27 Pt. V Note 5 (and see also Income and Corporation Taxes Act 1988 (c. 1, SIF 63:1), s. 844, Sch. 29, para. 13
- F5 S. 7(3A),(5) repealed with saving by Finance Act 1985 (c. 54, SIF 63:1), ss. 41(4), 98(6), Sch. 27 Pt. V Note 5

Modifications etc. (not altering text)

- C1 S. 7 extended (*prosp.*) by Friendly Societies Act 1992 (c. 40), ss. 96(2), 126(2) (with ss. 7(5) and 93(4)).

F68

Textual Amendments

- F6 S. 8 repealed (1.2.1993) by Friendly Societies Act 1992 (c. 40), s. 120(2), Sch. 22 Pt.I (with ss. 7(5) and 93(4)); S.I. 1993/16, art. 2, Sch. 3 appendix.

9 Special provisions as to dividing societies and societies assuring annuities.

- (1) A society which is neither a benevolent society nor a working men’s club shall not be disentitled to registration by reason of any rule for, or practice of, dividing any part of the funds thereof, if the rules of the society contain distinct provision for meeting all claims upon the society existing at the time of the division before any such division takes place.
- (2) A society assuring a certain annuity shall not be entitled to registration unless the tables of contribution for the assurance, certified by a qualified actuary, are sent to the registrar with the application for registration.
- (3) In this Act “qualified actuary” means an actuary having such qualifications as the Chief Registrar may prescribe by regulations made under this section.

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10 Societies registered in one registration area carrying on business in another.

- (1) Subsection (2) below shall have effect where a registered society whose registered office is situated in one of the registration areas for the purposes of this Act carries on, or intends to carry on, business in the other of those areas.
- (2) The society shall not be entitled in that other area to any of the privileges of this Act as a registered society until a copy of the registered rules of the society has been sent by the society to, and those rules have been recorded by, the registrar for that other registration area; and any registered amendment of the rules so recorded shall not have effect in that other area until a copy of that amendment has been so sent and the amendment so recorded.

11 Additional requirements for registration of societies with branches.

^{F7}(1)

- (2) A society having a fund under the control of a central body to which every branch is bound to contribute may be registered as a single society, and where any such society has branches in more than one registration area, section 10 above shall apply to that society.

Textual Amendments

F7 S. 11(1) repealed (1.2.1993) by Friendly Societies Act 1992 (c. 40), s. 120(2), Sch. 22 Pt.I (with ss. 7(5), 93(4)); S.I. 1993/16, art. 2, Sch. 3 appendix.

12 Establishment of new branches.

- (1) There shall be sent to the registrar, under the hand of the secretary of a registered society,—
 - (a) notice of the establishment of every new branch of the society;
 - (b) notice of the place where the registered office of the branch, to which all communications and notices may be addressed, is to be situated;
 - (c) if the branch is to have trustees or officers authorised to sue and be sued on its behalf, other than the trustees or officers authorised to sue and be sued on behalf of the society, a list of the names of those trustees or officers; and
 - (d) two copies of the rules of the branch.
- (2) A society shall not be entitled to any of the privileges of this Act as a registered society with respect to a branch until the branch has been registered in the registration area in which the registered office of the branch is to be situated.

13 Registration of branches as societies.

- (1) A body which has been registered as a branch of a society shall not be registered as a society [^{F8}after the commencement of section 93 of the 1992 Act].

^{F9}(2)

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Textual Amendments

- F8** Words in s. 13(1) substituted (1.2.1993) by Friendly Societies Act 1992 (c. 40), s. 95, **Sch. 16 para.5** (with ss. 7(5) and 93(4)); S.I. 1993/16, art. 2, **Sch. 3**.
- F9** S. 13(2) repealed (1.2.1993) by Friendly Societies Act 1992 (c. 40), s. 120(2), **Sch. 22 Pt.I** (with ss. 7(5) and 93(4)); S.I. 1993/16, art. 2, **Sch. 3** appendix.

14 Name of seceding or expelled branch.

A body which, having been a branch of a society, has wholly seceded or been expelled from that society, shall not thereafter use the name of that society or any name implying that it is a branch thereof, or the number by which it was designated as such a branch.

[^{F10}15A Acknowledgement of registration and rules of new branch.

- (1) On being satisfied that a branch has complied with the provisions of this Act as to registration, the registrar shall issue to that branch an acknowledgement of registration.
- (2) An acknowledgement under subsection (1) above shall be conclusive evidence that the branch in question is duly registered under this Act, unless it is proved that the registration of the society of which it is a branch has been suspended or cancelled.
- (3) An acknowledgement under subsection (1) above shall also constitute an acknowledgement, and be conclusive evidence, of the rules of the branch in force at the date of its registration.]

Textual Amendments

- F10** S. 15A substituted (1.2.1993) for s. 15 by Friendly Societies Act 1992 (c. 40), s. 95, **Sch. 16 para. 6(1)(3)** (with ss. 7(5) and 93(4)); S.I. 1993/16, art. 2, **Sch. 3**.

16 Appeals from refusal to register.

- (1) Appeals shall lie from a refusal to register a society or branch as follows:—
 - (a) if the central office refuse to register a society or branch, the society or branch may appeal to the High Court; and
 - (b) if the assistant registrar for Scotland refuses to register a society or branch, the society or branch may appeal to the Chief Registrar and, if he refuses, to the Court of Session.
- (2) If a refusal to register a society or branch is overruled on appeal, the registrar shall give an acknowledgment of registration under section 15 above to the society or branch.

Status:

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