



Friendly Societies Act 1992

1992 CHAPTER 40

PART IX

MISCELLANEOUS

Societies registered under 1974 Act

93 Registration of societies under 1974 Act.

- (1) No society may be registered under the ^{M1}1974 Act after the commencement of this section.
- (2) Subject to section 7 of the 1974 Act, a society registered under the 1974 Act immediately before the commencement of this section (an “existing society”) shall continue as a registered society in accordance with the provisions of that Act.
- (3) Nothing in subsection (1) above shall be taken as preventing the registration after the commencement of this section of a branch of an existing society as a registered branch.
- (4) Nothing in this Act shall be taken as preventing—
 - (a) the performance by an existing friendly society of any contract which is in force immediately before the commencement of this section; or
 - (b) the carrying on by such a society of any social or benevolent activity which is not inconsistent with the other activities of the society.
- (5) Before the end of the transitional period each existing friendly society shall—
 - (a) by special resolution agree upon the alterations to be made to its rules so that they conform to this Act and the 1974 Act; and
 - (b) send to the ^{F1}Authority^{F2}three] copies of the rules as altered each signed by the secretary and accompanied by a statutory declaration by the secretary that that agreement was effected by a resolution passed as a special resolution.
- (6) On agreeing upon any such alteration to its rules a society shall, subject to subsection (7) below, determine the date on which the society intends it to take effect,

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- and any alteration to the society's rules sent to the [F¹Authority] shall be accompanied by a record specifying that date (in this paragraph referred to as "the specified date").
- (7) No date shall be specified under subsection (6) above which falls more than six months after the date of the meeting at which the society agreed upon the alteration to its rules.
- (8) The [Authority], if satisfied that the rules as altered are in conformity with this Act and the 1974 Act, shall retain and register a copy of the altered rules.
- (9) On registering a copy of the altered rules under subsection (8) above, the [F¹Authority] shall—
- (a) return another copy to the secretary of the society, together with a certificate of registration, and
 - (b) keep another copy with the record of the specified date sent to it under subsection (6) above and a copy of that certificate, in the public file of the society.
- (10) Rules registered under this paragraph shall take effect on the specified date for the rule or, if registration of the rules is not effected until a later date, that later date.
- (11) If the [F¹Authority] has not, before the end of the transitional period, received from an existing registered friendly society copies of its rules as altered in accordance with subsection (5) above, the society shall be treated as having agreed upon such alteration of its rules as the [F¹Authority] directs.
- (12) Where the [F¹Authority] proposes to give a direction under subsection (11) above in relation to a society it shall—
- (a) serve on the society a notice stating that it proposes to give a direction; and
 - (b) consider any representations made by the society within such period (not being less than fourteen days) from the date on which the notice is served as the [F¹Authority] may allow;
- and, if the society so requests, the [F¹Authority] shall afford to it an opportunity of being heard by the [F¹Authority] within that period.
- (13) Where under this section a society is treated as having agreed upon altered rules, the [F¹Authority] shall prepare three copies of rules for the society and shall—
- (a) retain and register one copy,
 - (b) send another to the secretary of the society, together with a certificate of registration, and
 - (c) keep another copy, together with a copy of that certificate, in the public file of the society;
- and the rules so registered shall be for all purposes the rules of the society until amended under the 1974 Act.
- (14) In this section "the transitional period" means the period beginning with the commencement date for this section and expiring with such day as the [F³Treasury prescribe] by order.
- (15) Subsections (5) to (14) above apply to the rules of a registered branch of an existing friendly society as they apply to the rules of the society.

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Textual Amendments

- F1** Words in s. 93(5)-(13) substituted (17.8.2001 for specified purposes and otherwise 1.12.2001) by S.I. 2001/2617, art. 2, 13(1), **Sch. 3, Pt. 1 para. 103(a)**, (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F2** Word in s. 93(5)(b) substituted (1.8.1996) by S.I. 1996/1188 art. 5
- F3** Words in s. 93(14) 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. 103(b)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**

Modifications etc. (not altering text)

- C1** S. 93(14): functions of Friendly Societies Commission transferred (17.8.2001) to the Treasury by S.I. 2001/2617, **arts. 2(b), 4(1)**, Sch. 1 Pt. II

Commencement Information

- I1** S. 93 wholly in force; s. 93 not in force at Royal Assent see s. 126(2); s. 93(1)-(4) in force 1.2.1993 by S.I. 1993/16, art. 2, **Sch. 3**; s. 93 (5)-(15) in force at 1.1.1994 by S.I. 1993/2213, art. 2(1), **Sch. 6**

Marginal Citations

- M1** 1974 c.46

94 Registered friendly societies and branches: validation and ratification by members.

- (1) Subject to subsection (3) below, if action not permitted by the rules of a registered friendly society or a registered branch is taken by or on behalf of the society or branch, the action is valid (whether or not it would be valid apart from this subsection) if all the members of the society or branch—
- (a) signified their agreement to it in writing before it was taken; or
 - (b) signified their approval of it in writing before the end of the period of 28 days commencing with the day on which it was taken.
- (2) Subject to subsection (3) below, if a contract between a registered friendly society or branch and its members purports to create rights and obligations as to which the rules of the society or branch do not permit rights and obligations to be created, the contract shall be valid and shall bind all members of the society or branch if all members of the society or branch are parties to it.
- (3) This section does not validate the taking of any action or any term in a contract unless the matter falls within the capacity of a registered friendly society or branch under the 1974 Act or this Act.
- (4) In this section references to the members of a society or branch are to the members entitled to vote at a meeting of the society or branch.

95 Amendments of 1974 Act.

Schedule 16 to this Act (which contains amendments to the 1974 Act) shall have effect.

Commencement Information

- I2** S. 95 partly in force; s. 95 not in force at Royal Assent see s. 126(2); s. 95 in force for certain purposes at 13.1.1993 by S.I. 1993/16, art. 2, **Sch. 2**; s. 95 in force for certain purposes at 1.2.1993 by S.I.

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1993/16, art. 2, **Sch. 3**; s. 95 in force to the extent specified for all remaining purposes at 13.9.1993 by S.I. 1993/2213, art. 2(1), **Sch. 2**; s. 95 in force to the extent specified at 13.9.1993 by S.I. 1993/2213, art. 2(1), **Sch. 3**; s. 95 in force to the extent specified at 1.1.1994 by S.I. 1993/2213, art. 2(1), **Sch. 6**; s. 95 in force to the extent specified at 1.1.1994 by S.I. 1993/3226, **art. 2(1) Sch. 2**

Societies registered in Northern Ireland

96 Extension of 1974 Act to Northern Ireland.

- (1) The 1974 Act shall extend to Northern Ireland.
- (2) Societies which, immediately before the commencement of subsection (1) above, were societies registered under any provision of section 1 of the ^{M2}Friendly Societies Act (Northern Ireland) 1970 shall be treated as if they were societies registered under the corresponding provision of section 7 of the 1974 Act.
- (3) A branch of a society registered under that Act of 1970 which is, immediately before the commencement of subsection (1) above, a registered branch of the society under that Act, shall be treated as a branch registered under the 1974 Act.
- (4) In consequence of subsections (1) to (3) above, the Friendly Societies Act (Northern Ireland) 1970 is repealed.

Marginal Citations

M2 1970 c. 31 (N.I.).

Other miscellaneous provisions

[^{F4}97 Insurance protection.

The ^{M3}Policyholders Protection Act 1975 shall have effect subject to the amendments in Schedule 17 to this Act, being amendments to extend that Act to contracts of insurance with friendly societies.]

Textual Amendments

F4 Ss. 97, 98 shall cease to have effect (17.8.2001 for specified purposes and otherwise *prosp.*) by virtue of S.I. 2001/2617, arts. 2(a), 8(1), 13(1), **Sch. 3** para. 104 (with art. 13(3), **Sch. 5**) and repealed (*prosp.*) by S.I. 2001/2617, arts. 2(b), 13(2), **Sch. 4** (with art. 13(3), **Sch. 5**)

Marginal Citations

M3 1975 c. 75.

[^{F5}98 Financial services.

The ^{M4}Financial Services Act 1986 shall have effect subject to the amendments in Schedule 18 to this Act, and in that Schedule—

- (a) the amendments in Part I relate to the provisions of that Act other than Schedule 11; and

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- (b) the amendments in Part II relate to Schedule 11 to that Act (friendly societies).]

Textual Amendments

- F5** Ss. 97, 98 shall cease to have effect (17.8.2001 for specified purposes and otherwise *prosp.*) by virtue of S.I. 2001/2617, arts. 2(a), 8(1), 13(1), Sch. 3 para. 104 (with art. 13(3), **Sch. 5**) and are repealed (*prosp.*) by S.I. 2001/2617, arts. 2(b), 13(2), Sch. 4 (with art. 13(3), **Sch. 5**)

Commencement Information

- I3** S. 98 partly in force; s. 98 not in force at Royal Assent see s. 126(2); s. 98 in force for certain purposes at 1.2.1993 by S.I. 1993/16, art. 2, **Sch. 4**; s. 98 in force to the extent specified at 28.4.1993 by S.I. 1993/1186, art. 2(2), **Sch. 2**; s. 98 in force to the extent specified at 1.1.1994 by S.I. 1993/2213, art. 2(1), **Sch. 5**; s. 98 in force to the extent specified at 1.1.1994 by S.I. 1993/3226, art. 2(1), **Sch. 1**

Marginal Citations

- M4** 1986 c. 60.

99 Insurance of lives of children under 10.

- (1) Subject to the following provisions of this section, if—
- (a) after this section comes into force a friendly society or registered branch [^{F6}or an industrial assurance company] enters into a contract of insurance under which benefit in excess of £800 is payable on the death of any person; and
 - (b) that person dies under the age of 10,
- the obligation of the society, branch or company as to payment of benefit is only to pay £800 (without prejudice to any person's right to recover part of the premiums paid).
- (2) Subsection (1) above does not apply where the benefit is payable to a person who has an interest in the life of the person on whose death it is payable.
- (3) The [^{F7}Treasury may] by order substitute some other sum for the sum for the time being specified in subsection (1) above.
- [^{F8}(4) In the application of this section to Northern Ireland the references to industrial assurance companies shall be omitted.]

Textual Amendments

- F6** Words in s. 99(1)(a) repealed (17.8.2001 for specified purposes) by Financial Services and Markets Act 2000 (Mutual Societies) Order 2001 (S.I. 2001/2617), arts. 2(a), 8(1), 13(1), Sch. 3 para. 105(a), **Sch. 4** (with art. 13(3), **Sch. 5**); however, S.I. 2001/2617, **Sch. 3 para. 105(a)** is revoked (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Savings) (Industrial Assurance) Order 2001 (S.I. 2001/3647), reg. 1, **Sch. 3 para. 23** and the words omitted by that subparagraph are to be treated as if they had not been omitted
- F7** Words in s. 99(3) substituted (17.8.2001 for specified purposes and otherwise *prosp.*) by virtue of S.I. 2001/2617, arts. 2(a), 8(1), 13(1), Sch. 3 para. 105(b) (with art. 13(3), **Sch. 5**)
- F8** S. 99(4) omitted (17.8.2001 for specified purposes and otherwise *prosp.*) by virtue of S.I. 2001/2617, arts. 2(a), 8(1), 13(1), Sch. 3 para. 105(c) (with art. 13(3), **Sch. 5**) and is repealed (*prosp.*) by S.I. 2001/2617, arts. 2(b), 13(2), Sch. 4 (with art. 13(3), **Sch. 5**)

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[^{F9}100 Industrial assurance.

Schedule 19 to this Act (which contains amendments as relating to industrial assurance) shall have effect.]

Textual Amendments

- F9** S. 100 shall cease to have effect (17.8.2001 for specified purposes and otherwise *prosp.*) by virtue of S.I. 2001/2617, arts. 2(a), 8(1), 13(1), Sch. 3 para. 106 (with art. 13(3), **Sch. 5**) and is repealed (*prosp.*) by S.I. 2001/2617, arts. 2(b), 13(2), Sch. 4 (with art. 13(3), **Sch. 5**)

Commencement Information

- I4** S. 100 partly in force; s. 100 not in force at Royal Assent see s. 126(2); s. 100 in force to the extent specified at 13.1.1993 by S.I. 1993/16, art. 2, **Sch. 2**; s. 100 in force to the extent specified 1.2.1993 by S.I. 1993/16, art. 2, Schs. 3, 4; s. 100 in force to the extent specified at 28.4.1993 by S.I. 1993/1186, art. 2(2), **Sch. 2**; s. 100 in force to the extent specified at 13.9.1993 by S.I. 1993/2213, art. 2(1), **Sch. 2**; s. 100 in force to the extent specified at 1.1.1994 by S.I. 1993/2213, art. 2(1), **Sch. 6**; s. 100 in force to the extent specified at 1.1.1994 by S.I. 1993/3226, art. 2(1), **Sch. 2**

[^{F10}101 Law applicable to contracts of insurance with friendly societies.

- (1) The law applicable to a contract of insurance made by a friendly society the effecting of which constitutes general business and which covers risks situated in the United Kingdom or another member State shall be determined—
 - (a) in the case of a society to which section 37(3) above applies, in accordance with Part I of Schedule 20 to this Act; and
 - (b) in any other case, in accordance with that Part of that Schedule as modified by subsection (3) below.
- (2) The law applicable to a contract of insurance made by a friendly society the effecting of which constitutes long term business and which covers commitments or risks situated in the United Kingdom or another member State shall be determined—
 - (a) in the case of a society to which section 37(2) above applies, in accordance with Part II of Schedule 20 to this Act; and
 - (b) in any other case, in accordance with Part I of that Schedule as modified by subsection (3) below.
- (3) For the purposes of paragraph (b) of subsections (1) and (2) above, Part I of Schedule 20 to this Act shall be modified as follows—
 - (a) the words “or central administration”, in each place where they occur, shall be omitted;
 - (b) in paragraph 5(1), for the words from “shall act” to the end there shall be substituted the words “shall apply the general rules of private international law of that part of the United Kingdom concerning contractual obligations”; and
 - (c) in paragraph 5(2), for the words “those provisions” there shall be substituted the words “those rules”.
- (4) The provisions of this section do not apply in relation to a contract of reinsurance.]

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Textual Amendments

F10 S. 101 substituted (1.1.1994) by S.I. 1993/2519, reg. 6(1)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Friendly Societies Act 1992, Part IX.