



Friendly Societies Act 1992

1992 CHAPTER 40

PART VII

DISPUTES

Disputes relating to friendly societies

80 Determination of certain disputes by arbitration

- (1) Subject to the following provisions of this section, any dispute between—
 - (a) a member or person claiming through a member or under the rules of a friendly society or registered branch and the society or branch;
 - (b) a person aggrieved who has ceased to be a member of a friendly society or registered branch, or a person claiming through such a person, and the society or branch or an officer of the society or branch;
 - (c) a registered branch and the society of which it is a registered branch;
 - (d) an officer of a registered branch and the society of which it is a registered branch; or
 - (e) two or more registered branches, or any of their officers,shall be determined by arbitration in the manner directed by the rules of the society or branch.
- (2) An application for the enforcement of an award on an arbitration under this section may be made to the county court.
- (3) An award made in such an arbitration shall, in Scotland—
 - (a) subject to subsection (4) below, be final; and
 - (b) be enforceable as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (4) An arbiter who has made an award in an arbitration under this section shall, on the application of a party to such arbitration, state a case for the opinion of the Court of Session on any question of law.

Status: This is the original version (as it was originally enacted).

- (5) If the parties to a dispute of a description specified in subsection (1) above agree that it shall be determined by the county court or, in Scotland, the sheriff, it may be so determined instead of being determined by arbitration under this section.
- (6) If—
- (a) a party to a dispute of a description specified in subsection (1) above applies to the society or branch in accordance with the rules for determination of the dispute by arbitration;
 - (b) no such determination has been made within the period of 40 days beginning with the day on which the application was made; and
 - (c) either party applies for determination of the dispute by the county court or, in Scotland, the sheriff,
- the dispute may be so determined.
- (7) If the society has registered branches—
- (a) the period of 40 days shall not begin to run until application has been made in succession to all the bodies entitled to determine the dispute by arbitration in accordance with the rules; but
 - (b) the rules may not require a greater delay than 3 months between each successive determination by such a body.
- (8) In this section “dispute”—
- (a) includes any dispute arising on the question whether a member or person aggrieved is entitled to be, or to continue to be, a member or to be reinstated as a member; but
 - (b) in the case of a person who has ceased to be a member does not (except as provided in paragraph (a) above) include any dispute other than one on a question which arose while he was a member, or arises out of his membership; and
 - (c) does not include a dispute between parties mentioned in subsection (1)(a) or (b) above which has arisen as a result of and incidentally to a dispute between a member, or person aggrieved who has ceased to be a member and a person claiming through him or under the rules of a society or branch.