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STATUTORY INSTRUMENTS

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**1997 No. 2849**

**The Friendly Societies (Amendment) Regulations 1997**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Friendly Societies (Amendment) Regulations 1997 and shall come into force on 1st January 1998.

(2) These Regulations extend to Northern Ireland.

**Interpretation**

2.—(1) In these Regulations—

“the 1992 Act” means the Friendly Societies Act 1992(1);

“the commencement date” means 1st January 1998.

(2) In these Regulations expressions which are also used in the 1992 Act have the same meanings as in that Act.

AMENDMENTS OF THE 1992 ACT

**Substitution of “EEA State” for “Member State”**

3. In subsection (7)(c) of section 67B(2) (statutory notice), subsection (2)(a)(i) of section 87(3) (actuary’s report as to margin of solvency), subsection (1)(a)(i) of section 88(4) (actuary’s report on transfer of long term business) and section 119B(5) (meaning of “main agent”) of, and Schedules 13B(6) (recognition in other EEA States of friendly societies), 13C(7) (information for members of friendly societies) and 15, Part II(8) (amalgamations, transfers of engagements and conversions) to the 1992 Act for the words “member State” and “a member State,” wherever they occur, there shall be substituted “EEA State” and “an EEA State” respectively.

**Substitution of “EEA States” for “European Community”**

4. In subsection (1)(a)(i) and (b)(i) of section 41(9) (withdrawal of authorisation), and subsection (5) of section 52A(10) (prohibition on disposal of assets) of the 1992 Act substitute “EEA States” for “European Community”.

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(1) 1992 c. 40.

(2) Section 67B was inserted by S.I. 1994/1984, regulation 22.

(3) Subsection (2)(a) was substituted by S.I. 1994/1984, regulation 26(1).

(4) Subsection (1)(a) was substituted by S.I. 1994/1984, regulation 27.

(5) Section 119B was inserted by S.I. 1994/1984, regulation 32.

(6) Schedule 13B was inserted by S.I. 1994/1984, regulation 15, and Schedule 2.

(7) Schedule 13C was inserted by S.I. 1994/1984, regulation 21, and Schedule 3.

(8) Schedule 15, Part II was amended by S.I. 1994/1984, regulation 25, and Schedule 4.

(9) Sub-paragraph (a)(i) and (b)(i) of section 41(1) were substituted by S.I. 1994/1984, regulation 7(1).

(10) Section 52A was inserted by S.I. 1994/1984, regulation 13.

### **Consequential Repeals of the 1992 Act**

5. The provisions of the 1992 Act specified in the Schedule to these Regulations are repealed to the extent specified in the Schedule.

### **MISCELLANEOUS AND SUPPLEMENTAL**

#### **Amendment of the Friendly Societies (Insurance Business) Regulations 1994**

6. In the Friendly Societies (Insurance Business) Regulations 1994(11), regulation 55 is revoked and, in regulations 56 and 58, for the words “member State” and “a member State”, wherever they occur there shall be substituted “EEA State” and “an EEA State” respectively and, in regulation 58(2), the words “or EEA State” shall be omitted.

#### **Transitional Provisions**

7.—(1) If a friendly society to which section 37(2) or (3) of the 1992 Act applies was immediately before the commencement date lawfully providing insurance of any class or part of a class in an EEA State which is not a member State, it shall be treated for the purposes of the 1992 Act as if the requirements of paragraph 5 of Schedule 13B to that Act have been complied with in relation to insurance business of that class or part of a class provided in that State.

(2) If a friendly society to which section 37(2) or (3) of the 1992 Act applies was immediately before the commencement date lawfully carrying on direct insurance business of a class or part of a class through an overseas branch in an EEA State which is not a member State, it shall be treated for the purposes of the 1992 Act as if the requirements of paragraph 1 of Schedule 13B to that Act have been complied with in relation to insurance business of that class or part of a class carried on in that State.

In witness whereof the common seal of the Friendly Societies Commission is hereunto fixed, and is authenticated by me, a person authorised under paragraph 13 of Schedule 1 to the Friendly Societies Act 1992, on

L.S.

1st December 1997.

*Michael Cook*  
Secretary to the Commission