
STATUTORY INSTRUMENTS

2001 No. 2636

The Financial Services and Markets Act 2000 (Transitional Provisions) (Authorised Persons etc.) Order 2001

PART III

EFFECT OF RESTRICTIONS AND PROHIBITIONS IMPOSED UNDER OLD LAW

Conditions and directions under the Friendly Societies Act

Conditions imposed under the Friendly Societies Act

45.—(1) This article applies where immediately before commencement a friendly society was subject to a condition imposed—

- (a) at the society's request under section 32(4) of the Friendly Societies Act;
- (b) under section 34 of the Friendly Societies Act (including any conditions imposed pursuant to section 35 of that Act);
- (c) under section 36 of the Friendly Societies Act (including those deemed to be imposed under that section pursuant to a direction given under section 36A of that Act⁽¹⁾);

(2) The condition has effect after commencement as if it were a requirement imposed on the society under section 43.

(3) Where a condition imposed pursuant to a direction given under section 36A of the Friendly Societies Act has effect after commencement under paragraph (2), that requirement is not to be treated as limited in time, notwithstanding section 36A(2) of that Act.

Direction under section 40 of the Friendly Societies Act

46.—(1) This article applies where—

- (a) immediately before commencement a friendly society was subject to a direction given under section 40 of the Friendly Societies Act; and
- (b) on commencement, that friendly society has a Part IV permission.

(2) The direction has effect after commencement as if it were a requirement imposed under section 43 that the society refrain from carrying on any activity which immediately before commencement it was prevented by the direction from carrying on (having regard to any subsequent grant of authorisation as mentioned in section 40(5) of the Friendly Societies Act).

(3) A direction having effect under paragraph (2) may be varied or revoked in accordance with section 44, notwithstanding section 40(5)(b) of the Friendly Societies Act.

(1) Section 36A was inserted by S.I.1993/2519, reg. 2(1).

Direction under section 51 of the Friendly Societies Act

47.—(1) This article applies where—

- (a) immediately before commencement a friendly society was subject to a direction given under section 51 of the Friendly Societies Act; and
- (b) on commencement, that friendly society has a Part IV permission.

(2) Subject to paragraph (3), the direction has effect after commencement as if it were a requirement imposed under section 43 that the society refrain from accepting any new members.

(3) If a direction given under section 51 of the Friendly Societies Act before commencement has, by reason of section 58(3) of that Act, not come into force before commencement—

- (a) that fact does not prevent a person from being treated as subject to the direction for the purposes of this article; but
- (b) the direction has effect as described in paragraph (2) only if the period within which an appeal can be brought against the direction expires without such an appeal being brought.

Order of the court under section 52A of the Friendly Societies Act

48.—(1) This article applies to a friendly society where there is in force against it immediately before commencement an order of the court made under section 52A of the Friendly Societies Act⁽²⁾ and where that society has, at commencement, a Part IV permission.

(2) A society to which this article applies is to be treated after commencement as if it were subject to an assets requirement within the meaning of section 48(3)(a), prohibiting the society from disposing of or otherwise dealing with its assets in any manner which would have been prohibited by the order as it had effect immediately before commencement (having regard to any subsequent orders made under section 52A(3) of the Friendly Societies Act) and section 48(4) and (5) applies accordingly.

(3) On commencement, the order of the court referred to in paragraph (1) ceases to have effect.

(4) Where—

- (a) before commencement, a person (“P”) was subject to an order made under section 52A of the Friendly Societies Act;
- (b) the Authority had, at any time after the making of this Order, given notice of that order to an institution with whom P keeps an account;
- (c) P is subject to a requirement after commencement by virtue of paragraph (2),

that notice is to be treated after commencement as if it had been given under section 48(4)(b).

Direction under section 53 of the Friendly Societies Act

49.—(1) This article applies where—

- (a) immediately before commencement a friendly society was subject to a direction given under section 53 of the Friendly Societies Act; and
- (b) that friendly society has, at commencement, a Part IV permission.

(2) The direction has effect after commencement as if it were a requirement imposed by the Authority under section 43.

(2) Section 52A was inserted by S.I. [1994/1984](#) and has been amended by S.I. [1997/2849](#).