



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 may be 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 any of the purposes specified in Schedule 1 to this 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.
- (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
 - (c) the society consists of at least seven persons.

- (3) A friendly society or branch thereof may not be registered under this Act if it contracts with any person for the assurance of an annuity or of a gross sum in excess of the limits in section 64 below.
- (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.

8 Registration of societies

- (1) An application to register a society under this Act shall be signed by seven members and the secretary of the society and shall be sent to the registrar.
- (2) Together with an application under subsection (1) above there shall be sent copies of the rules of the society and a list of the names of the secretary and of every trustee or other officer intended to be authorised to sue and be sued on behalf of the society.
- (3) A society shall not be registered under a name identical with that under which any other existing society is registered, or so nearly resembling that name as to be likely, or in any name likely, in the opinion of the registrar, to deceive the members or the public as to its nature or its identity or in any name which in his opinion is otherwise undesirable.

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.

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

- (1) Where a society has branches, the application for registration shall be accompanied by—
 - (a) a list of all the branches and notice of the place where the registered office of each branch, to which all communications and notices may be addressed, is to be situated;
 - (b) if any 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 all such trustees or officers, distinguishing the branches for which they are authorised to sue and be sued; and
 - (c) two copies of all branch rules.
- (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.

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 except on production to the registrar of a certificate, under the hand of the chief secretary or other principal officer of the society of which it was a branch, that the body has wholly seceded or has been expelled from the society.
- (2) If the chief secretary or other principal officer of a society—
 - (a) refuses to grant a certificate under this section, or
 - (b) fails to do so within three months from the receipt of a request in writing made on behalf of the body in question,an appeal shall lie to the High Court or, in Scotland, to the Court of Session.

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.

15 Acknowledgment of registration

- (1) On being satisfied that a society or branch has complied with the provisions of this Act as to registration, the registrar shall issue to that society or branch an acknowledgment of registration which, in the case of a society, shall specify the designation thereof according to the classification in section 7 above.
- (2) An acknowledgment under subsection (1) above shall be conclusive evidence that the society or branch therein mentioned is duly registered under this Act, unless it is proved that the registration of the society or, in the case of a branch, the society of which it is a branch, has been suspended or cancelled.

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.