



Friendly Societies Act 1974

1974 CHAPTER 46

Offences, penalties and legal proceedings

98 Offences.

- (1) It shall be an offence under this Act if—
- (a) a registered society or branch or an officer or member thereof fails to give any notice, send any return or document, or do or allow to be done anything which the society, branch, officer or member is by this Act required to give, send, do or allow to be done; or
 - (b) a registered society or branch or an officer or member thereof wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the [^{F1}FCA or the PRA] or by any other person authorised under this Act, or does anything forbidden by this Act; or
 - (c) a registered society or branch or an officer or member thereof makes a return or wilfully furnishes information in any respect false or insufficient, being a return or information required for the purposes of this Act; or
 - (d) an officer or member of a body which, having been a branch of a society, has wholly seceded or been expelled from that society, thereafter uses the name of that society or any name implying that the body is a branch of that society or the number by which that body was designated as such a branch; or
 - ^{F2}(e)
 - (f) a society or branch, whether registered or unregistered, pays money on the death of a child under ten years of age otherwise than as is provided by this Act; or
 - (g) a parent or personal representative of the parent claiming money on the death of a child produces [^{F3}to the society or branch from which the money is claimed a false death] certificate or one fraudulently obtained, or in any way attempts to defeat the provisions of this Act with respect to payments upon the death of children.
- (2) Nothing in subsection (1) above shall apply to any act, omission or contravention which constitutes an offence by virtue of any provision of this Act other than that subsection ^{F4}. . .

Changes to legislation: There are currently no known outstanding effects for the Friendly Societies Act 1974, Section 98. (See end of Document for details)

- (3) A society or branch and any officer or member of a society or branch or other person guilty of an offence under this Act, other than an offence for which some other penalty is expressly provided by this Act, shall be liable on summary conviction to a fine not exceeding [^{F5}level 3 on the standard scale].
- (4) If an officer of a friendly society or any other person aids or abets ^{F6} . . . in the dissolution of a friendly society otherwise than as provided in this Act, he shall be liable on summary conviction to a fine not exceeding [^{F5}level 4 on the standard scale].
- (5) Where a registered society or branch is guilty of an offence under this Act, every officer of the society or branch who is bound by the rules thereof to fulfil any duty whereof the offence is a breach, or if there is no such officer then every member of the committee other than a member who is proved to have been ignorant of or to have attempted to prevent the commission of the offence, shall be liable to the same penalty as if he had committed the offence.
- (6) Every default under this Act which constitutes an offence shall, if it continues, constitute a new offence in every week during which the default continues.
- (7) Subject to subsection (8) below, notwithstanding any limitation on the time for the taking of proceedings contained in any enactment, summary proceedings for offences under this Act which are instituted by the [^{F7}[^{F8}FCA or the PRA] or by the Lord Advocate] may be commenced at any time within one year of the first discovery thereof by the [^{F9}[^{F8}FCA or the PRA] (or the Lord Advocate, as the case may be)], but not in any case after more than three years from the commission of the offence.

^{F10}(8)

Textual Amendments

- F1** Words in s. 98(1)(b) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 5 para. 21** (with Sch. 12)
- F2** S. 98(1)(e) repealed (1.1.1994) by Friendly Societies Act 1992 (c. 40), s. 120(2), **Sch. 22 Pt. 1** (with ss. 7(5) and 93(4)); S.I. 1993/3226, art. 2, **Sch. 2** appendix.
- F3** Words in s. 98(1)(g) substituted (1.2.1993) by Friendly Societies Act 1992 (c. 40), s. 95, **Sch. 16 para. 42(a)** (with ss. 7(5) and 93(4)); S.I. 1993/16, art. 2, **Sch. 3**.
- F4** Words in s. 98(2) repealed (17.8.2001 for certain purposes, otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8, 13(1)(2), **Sch. 3 Pt. I para. 42(b)**, **Sch. 4** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F5** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**
- F6** Words in s. 98(4) repealed (1.1.1994) by Friendly Societies Act 1992 (c. 40), s. 120(2), **Sch. 22 Pt. 1** (with ss. 7(5) and 93(4)); S.I. 1993/3226, art. 2, **Sch. 2** appendix.
- F7** Words in s. 98(7) substituted (17.8.2001 for certain purposes, otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8, 13(1), **Sch. 3 Pt. I para. 42(c)(i)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F8** Words in s. 98(7) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 5 para. 21** (with Sch. 12)
- F9** Words in s. 98(7) substituted (17.8.2001 for certain purposes, otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8, 13(1), **Sch. 3 Pt. I para. 42(c)(ii)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F10** S. 98(8) repealed (17.8.2001 for certain purposes, otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8, 13(1)(2), **Sch. 3 Pt. I para. 42(d)**, **Sch. 4** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**

Changes to legislation:

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