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## STATUTORY INSTRUMENTS

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# 1979 No. 1574

## Industrial Assurance (Northern Ireland) Order 1979

### *Offences*

#### **Offences by collecting societies**

**42.**—<sup>F1</sup>(1) Subject to paragraph (1A), any contravention by a collecting society of any provision of this Order which has effect on and after 1st December 2001 is to be treated as if it were a contravention of a requirement imposed under the Financial Services and Markets Act 2000 (with the effect that Part XIV of that Act applies.)]

<sup>F1</sup>(1A) A contravention of the kind mentioned in paragraph (1) is not actionable under section 150 of the Financial Services and Markets Act 2000 (actions for damages).

(1B) Nothing in paragraph (1) prejudices the operation of section 16 of the Interpretation Act 1978 in relation to any legal proceedings in respect of, or any penalty which may be imposed in relation to, a contravention of any provision of this Act committed before 1st December 2001.]

*Paras. (2), (3) rep. by SI 2001/3647*

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| <b>F1</b> SI 2001/3647 |
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#### **Offences by industrial assurance companies**

**43.**—<sup>F2</sup>(1) Subject to paragraph (1A), any contravention by an industrial assurance company of—

- (a) any provision of this Order which has effect on and after 1st December 2001,
- (b) any provision of Part VI of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (as applied to Northern Ireland before that date by any Order in Council under section 65 of that Act), or
- (c) any regulation made under section 57 of that Act which was applied to Northern Ireland before that date by any Order in Council under section 65 of that Act,

is to be treated as if it were a contravention of a requirement imposed under the Financial Services and Markets Act 2000 (with the effect that Part XIV of that Act applies.)]

<sup>F2</sup>(1A) A contravention of the kind mentioned in paragraph (1) is not actionable under section 150 of the Financial Services and Markets Act 2000 (actions for damages).

(1B) Nothing in paragraph (1) prejudices the operation of section 16 of the Interpretation Act 1978 in relation to any legal proceedings in respect of, or any penalty which may be imposed in relation to, a contravention of any provision of this Act committed before 1st December 2001.]

*Paras. (2), (3) rep. by SI 2001/3647*

(4) So far as regards Article 35(2), this Article does not prejudice any liability of a company subsisting otherwise than by virtue of this Article.

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**Changes to legislation:** *Industrial Assurance (Northern Ireland) Order 1979, Cross Heading: Offences is up to date with all changes known to be in force on or before 15 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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**F2** SI 2001/3647

### Offences by registered friendly societies other than collecting societies

[<sup>F3</sup>44]. [<sup>F3</sup>Any contravention by a registered friendly society, other than a collecting society, of the provisions of Article 35(2), (3) or (3A), as they have effect on and after 1st December 2001, is to be treated as if it were a contravention of a requirement imposed under the Financial Services and Markets Act 2000 (with the effect that Part XIV of that Act applies).]

**F3** SI 2001/3647

### Offences by collectors, etc.

**45.** Any collector of a collecting society or industrial assurance company, or any other person, who contravenes or fails to comply with—

- (a) any provision of this Order; or
- (b) any regulation made under Article 49(1)( d) for the purposes of Article 21,

affecting such a collector or other person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding[<sup>F4</sup> level 3 on the standard scale].

**F4** 1984 NI 3

### Supplementary matters connected with offences

**46.—**(1) Any body of persons, not being a collecting society or an industrial assurance company, which carries on industrial assurance business shall, without prejudice to any penalty to which it may thereby become liable, be liable to pay to the owner of any policy of industrial assurance issued by that body such sum as an industrial assurance company which has knowingly issued an illegal policy is under this Order liable to pay to the owner of that illegal policy.

(2) Notwithstanding any limitation on the time for the taking of proceedings contained in any Act or Measure, summary proceedings for offences under this Order or the Friendly Societies Act, where the society by or in respect of which, or the person by or in respect of when, the offence is alleged to have been committed is a collecting society or an officer of such a society, may be commenced at any time within one year of the first discovery thereof by the[<sup>F5</sup> relevant authority], but not in any case after more than three years from the commission of the offence.

[<sup>F5</sup>(2A) In paragraph (2) above “relevant authority” means—

- (a) in relation to a time before Schedule 19 to the Friendly Societies Act 1992 came into force, the Registrar; and
- (b) in relation to a time after the coming into force of that Schedule, the Commission.]

(3) The court by which a fine is imposed in pursuance of this Order (except Article 43) may direct that the whole or any part thereof shall be applied in or towards the payment of the costs of the proceedings.

**F5** 1992 c. 40

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### Penalties for falsification

**47.** If any person wilfully makes, orders, or allows to be made any entry or erasure in, or omission from, a collecting book or premium receipt book with intent to falsify that book or to evade any of the provisions of this Order, he shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding<sup>F6</sup> level 3 on the standard scale], or to both.

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| <b>F6</b> <a href="#">1984 NI 3</a> |
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**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Act revoked by [2000 c. 8 s.416\(2\)](#)