



# 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 [<sup>F1</sup>may remain] 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 [<sup>F2</sup>any purpose falling within Schedule 2 to the 1992 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 [<sup>F3</sup>but no society may become registered under this Act after the commencement of section 93 of the 1992 Act.]
- (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

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(c) the society consists of at least seven persons.

(3) ..... F4

(3A) ..... F5

(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.

(5) ..... F5

**Textual Amendments**

- F1 Words in s. 7(1) substituted (1.2.1993) by Friendly Societies Act 1992 (c. 40), s. 95, **Sch. 16 para. 4(a)** (with ss. 7(5) and 93(4)); S.I. 1993/16, art. 2, **Sch. 3**.
- F2 Words in s. 7(1)(a) substituted (1.1.1994) by Friendly Societies Act 1992 (c. 40), s. 95, **Sch. 16 para. 4(b)** (with ss. 7(5), 93(4)); S.I. 1993/2213, art. 2, **Sch. 6** (with art. 10).
- F3 Words in s. 7(1)(f) inserted (1.2.1993) by Friendly Societies Act 1992 (c. 40), s. 95 **Sch. 16 para. 4(c)** (with ss. 7(5) and 93(4)); S.I. 1993/16, art. 2, **Sch. 3**.
- F4 S. 7(3) repealed with saving by Finance Act 1985 (c. 54, SIF 63:1), ss. 41(4), 98(6), **Sch. 27 Pt. V** Note 5 (and see also Income and Corporation Taxes Act 1988 (c. 1, SIF 63:1), s. 844, **Sch. 29**, para. 13
- F5 S. 7(3A),(5) repealed with saving by Finance Act 1985 (c. 54, SIF 63:1), ss. 41(4), 98(6), **Sch. 27 Pt. V** Note 5

**Modifications etc. (not altering text)**

- C1 S. 7 extended (1.1.1994) by Friendly Societies Act 1992 (c. 40), s. 96(2) (with ss. 7(5) and 93(4)); S.I. 1993/3226, art. 2, **Sch. 2**. (with arts. 3, 4, 7, 8).

F68 .....

**Textual Amendments**

- F6 S. 8 repealed (1.2.1993) by Friendly Societies Act 1992 (c. 40), s. 120(2), **Sch. 22 Pt.I** (with ss. 7(5) and 93(4)); S.I. 1993/16, art. 2, **Sch. 3** appendix.

**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.

F7(2) .....

F7(3) .....

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#### Textual Amendments

**F7** S. 9(2)(3) repealed (1.1.1994) by Friendly Societies Act 1992 (c. 40), s. 120(2), Sch. 22 Pt.I (with ss. 7(5) and 93(4)); S.I. 1993/2213, art. 2, Sch. 6 appendix.

### 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.

- <sup>F8</sup>(1) .....
- (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.

#### Textual Amendments

**F8** S. 11(1) repealed (1.2.1993) by Friendly Societies Act 1992 (c. 40), s. 120(2), Sch. 22 Pt.I (with ss. 7(5), 93(4)); S.I. 1993/16, art. 2, Sch. 3 appendix.

### 12 Establishment of new branches.

- (1) There shall be sent to the [<sup>F9</sup>Authority], 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 [<sup>F10</sup>in the registration area in which the registered office of the branch is to be situated].

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#### Textual Amendments

- F9** Words in s. 12(1) substituted (17.8.2001 for certain purposes and otherwise *prosp.*) by S.I. 2001/2617, arts. 2, 13(1), Sch. 3 Pt. I para. 3(a) (with art. 13(3), Sch. 5)
- F10** Words in s. 12(2) omitted (17.8.2001 for certain purposes and otherwise *prosp.*) by virtue of S.I. 2001/2617, arts. 2, 13(1), Sch. 3 Pt. I para. 3(b) (with art. 13(3), Sch. 5)

### 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 [<sup>F11</sup>after the commencement of section 93 of the 1992 Act].

<sup>F12</sup>(2) .....

#### Textual Amendments

- F11** Words in s. 13(1) substituted (1.2.1993) by Friendly Societies Act 1992 (c. 40), s. 95, Sch. 16 para.5 (with ss. 7(5) and 93(4)); S.I. 1993/16, art. 2, Sch. 3.
- F12** S. 13(2) repealed (1.2.1993) by Friendly Societies Act 1992 (c. 40), s. 120(2), Sch. 22 Pt. I (with ss. 7(5) and 93(4)); S.I. 1993/16, art. 2, Sch. 3 appendix.

### 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.

### 16 Appeals from refusal to register.

[<sup>F13</sup>(1) If the Authority refuses to register a branch, the branch may appeal to the High Court or, in the case of a branch whose registered office is to be situated in Scotland, the Court of Session.]

- (2) If a refusal to register a <sup>F14</sup>. . . branch is overruled on appeal, the [<sup>F15</sup>Authority] shall give an acknowledgment of registration under [<sup>F16</sup>section 15A] above to the <sup>F14</sup>. . . branch.

#### Textual Amendments

- F13** S. 16(1) substituted (17.8.2001 for certain purposes and otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 13(1), Sch. 3 Pt. I para. 5(a) (with art. 13(3), Sch. 5); S.I. 2001/3538, art. 2(1)
- F14** Words in s. 16(2) repealed (28.4.1993) by Friendly Societies Act 1992 (c. 40), s. 120(2), Sch. 22 Pt. I (with ss. 7(5) and 93(4)); S.I. 1993/1186, art. 2, Sch. 3 appendix.
- F15** Word in s. 16(2) substituted (17.8.2001 for certain purposes and otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 13(1), Sch. 3 Pt. I para. 5(b)(i) (with art. 13(3), Sch. 5); S.I. 2001/3538, art. 2(1)
- F16** Words in s. 16(2) substituted (17.8.2001 for certain purposes and otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 13(1), Sch. 3 Pt. I para. 5(b)(ii) (with art. 13(3), Sch. 5); S.I. 2001/3538, art. 2(1)

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