

## SCHEDULES

### SCHEDULE 5

Sections 72, 73.

#### DEATH CERTIFICATES IN CONNECTION WITH PAYMENTS REFERRED TO IN SECTION 72

- 1 A registered friendly society or a branch of such a society shall not, by virtue of or in connection with any relevant insurance of money to be paid on the death of a parent or grandparent of the person by whom the insurance was taken out, pay to that person on the death any sum not excluded for the purposes of subsection (2) of section 72 of this Act by subsection (3)(a) thereof, except upon production of a certificate of death for the purposes of this Schedule stated therein to be issued to the person to whom the payment is made, unless the death occurred outside Great Britain.
- 2 On so making payment of any such sum the society or branch shall cause to be endorsed on the certificate a statement showing—
  - (a) the name of the society or branch ;
  - (b) the amount of any such sum paid ;
  - (c) the date of the contract for the insurance ;and on receiving any repayment of a sum so paid by virtue of, or in connection with, an insurance effected in exercise of the power conferred by paragraph (2)(d) of Schedule 1 to this Act, the society or branch shall cause to be endorsed on the certificate a statement showing the repayment.
- 3 Where a registered friendly society or a branch of such a society is charged with a contravention of subsection (2) of section 72 of this Act, in respect of the payment by the society or branch of a sum which exceeded the limit of £30 imposed by paragraph (b) or paragraph (c) of that subsection in consequence of the addition, as thereby required, of another sum paid by virtue of or in connection with any other relevant insurance, or of two or more other sums so paid, and which would not have exceeded that limit apart from that addition, it shall be a defence for the society or branch charged to prove—
  - (a) that the sum in respect of which they are charged was paid in accordance with paragraph 1 above ; and
  - (b) that the certificate produced disclosed no payment by any other registered society or branch or by a company of any sum or sums required by paragraph (b) or paragraph (c) of section 72(2) of this Act to be added, or disclosed such a payment but only to an amount insufficient to cause the sum in respect of which they are charged to exceed that limit;subject, however, in the case of a certificate which is a duplicate to the provisions of paragraph 6 below.
- 4 Certificates of death for the purposes of this Schedule and of Schedule 1 to the Industrial Assurance and Friendly Societies Act 1948 (which makes provision corresponding to this Schedule but in relation to industrial assurance companies), and applications for the issue thereof, shall be in such form as may from time to time be specified by the Registrar General, including, in the case of such a certificate, a

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*Status: This is the original version (as it was originally enacted).*

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statement that it is issued for the purposes of this Schedule and of that Schedule, and particulars of the name and address of the person to whom the certificate is issued, and of his relationship (whether child, grandchild or stepchild) to the deceased, as stated in the application.

- 5 (1) Regulations shall be made by the Registrar General by statutory instrument as to the issue of certificates for the purposes of this Schedule and of Schedule 1 to the Industrial Assurance and Friendly Societies Act 1948 and the regulations shall provide for securing that, except as mentioned in sub-paragraph (2) below, more than one certificate of the same death for the purposes of this Schedule and of that Schedule shall not be issued to the same person.
- (2) Regulations under this paragraph shall provide for the issue to a person to whom a certificate of a death for the purposes of this Schedule and of Schedule 1 to the Industrial Assurance and Friendly Societies Act 1948 has been issued of a duplicate thereof in the event of the loss or destruction of the certificate which it replaces, subject to conditions for requiring—
- (a) the making by that person of a statutory declaration stating that the certificate which the duplicate replaces has been lost or destroyed, and stating whether any endorsement has been made on that certificate, and if so, by what registered society or branch or company ; and
  - (b) if it is so stated that an endorsement has been made on that certificate by any registered society or branch or company, the recording on the duplicate of a requirement that it is to be produced to that society, branch or company for having the endorsement repeated on the duplicate; and
  - (c) the surrender for destruction of the certificate which the duplicate replaces in the event of its being recovered.
- 6 On production to a registered society or branch of a duplicate which records a requirement for an endorsement made by the society or branch to be repeated as mentioned in paragraph 5 above, the society or branch shall cause the duplicate to be endorsed accordingly, and paragraph 3 above shall not apply in the case of a certificate which is a duplicate whereon such a requirement is recorded unless the duplicate has been endorsed by the society or branch or company in question.
- 7 Any collecting society or branch thereof which contravenes or fails to comply with any of the provisions of this Schedule shall be guilty of an offence under the Industrial Assurance Act 1923.
- 8 The fee payable on the issue of a certificate of death for the purposes of this Schedule and of Schedule 1 to the Industrial Assurance and Friendly Societies Act 1948 is 15p.
- 9 The Statutory Instruments Act 1946 shall apply to a statutory instrument containing regulations made for the purposes of this Schedule and of Schedule 1 to the Industrial Assurance and Friendly Societies Act 1948 in the same manner as if it had been made by a Minister of the Crown.
- 10 (1) In the application of this Schedule to Scotland, " Registrar-General " means the Registrar General of Births, Deaths and Marriages for Scotland.
- (2) Subsections (4) and (5) of section 72 of this Act shall apply in relation to this Schedule as they apply in relation to that section.