



Friendly Societies Act 1974

1974 CHAPTER 46

Offences, penalties and legal proceedings

101 Prosecution of offences, recovery of costs or expenses.

(1) Summary proceedings for an offence under this Act may be instituted by the [^{F1}FCA] or by any person aggrieved.

[^{F2}(1A) In the application of subsection (1) to Scotland, the reference to the [^{F1}FCA] is to be read as a reference to the Lord Advocate.]

[^{F3}(1B) Summary proceedings for an offence under a provision listed in subsection (1C) may also be commenced by the PRA , in the circumstances specified in that subsection in relation to that provision, after notifying the FCA .

(1C) The provisions and the circumstances are—

- (a) section 32 (audit of exempt societies and branches), if the failure referred to in subsection (4) of that section is a failure to comply with a direction given by the PRA under subsection (2) of that section;
- (b) section 39C (power to require accounts of past years to be audited), if the failure referred to in subsection (2) of that section is a failure to comply with a direction given by the PRA under subsection (1) of that section; and
- (c) section 98 (offences), if the neglect or refusal referred to in subsection (1)(b) of that section relates to an act or information required by the PRA.]

(2) Any costs or expenses ordered or directed by the [^{F4}FCA or the PRA] to be paid by any person under this Act shall be recoverable summarily as a civil debt.

(3) In the application of subsection (2) above to Scotland, the word “summarily” shall be omitted.

Textual Amendments

- F1** Words in s. 101(1)(1A) substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), Sch. 5 para. 2(1)(a)(2)(s) (with Sch. 12)

Changes to legislation: There are currently no known outstanding effects for the Friendly Societies Act 1974, Section 101. (See end of Document for details)

- F2** S. 101(1A) inserted (17.8.2001 for certain purposes, otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8, 13(1), **Sch. 3 Pt. 1 para. 44(b)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F3** S. 101(1B)(1C) inserted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 5 para. 22(2)** (with Sch. 12)
- F4** Words in s. 101(2) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 5 para. 22(3)** (with Sch. 12)

Changes to legislation:

There are currently no known outstanding effects for the Friendly Societies Act 1974, Section 101.