



Friendly Societies Act 1992

1992 CHAPTER 40

PART IX

MISCELLANEOUS

Societies registered under 1974 Act

93 Registration of societies under 1974 Act

- (1) No society may be registered under the 1974 Act after the commencement of this section.
- (2) Subject to section 7 of the 1974 Act, a society registered under the 1974 Act immediately before the commencement of this section (an “existing society”) shall continue as a registered society in accordance with the provisions of that Act.
- (3) Nothing in subsection (1) above shall be taken as preventing the registration after the commencement of this section of a branch of an existing society as a registered branch.
- (4) Nothing in this Act shall be taken as preventing—
 - (a) the performance by an existing friendly society of any contract which is in force immediately before the commencement of this section; or
 - (b) the carrying on by such a society of any social or benevolent activity which is not inconsistent with the other activities of the society.
- (5) Before the end of the transitional period each existing friendly society shall—
 - (a) by special resolution agree upon the alterations to be made to its rules so that they conform to this Act and the 1974 Act; and
 - (b) send to the central office four copies of the rules as altered each signed by the secretary and accompanied by a statutory declaration by the secretary that that agreement was effected by a resolution passed as a special resolution.
- (6) On agreeing upon any such alteration to its rules a society shall, subject to subsection (7) below, determine the date on which the society intends it to take effect,

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and any alteration to the society's rules sent to the central office shall be accompanied by a record specifying that date (in this paragraph referred to as "the specified date").

- (7) No date shall be specified under subsection (6) above which falls more than six months after the date of the meeting at which the society agreed upon the alteration to its rules.
- (8) The central office, if satisfied that the rules as altered are in conformity with this Act and the 1974 Act, shall retain and register a copy of the altered rules.
- (9) On registering a copy of the altered rules under subsection (8) above, the central office shall—
 - (a) return another copy to the secretary of the society, together with a certificate of registration, and
 - (b) keep another copy with the record of the specified date sent to it under subsection (6) above and a copy of that certificate, in the public file of the society.
- (10) Rules registered under this paragraph shall take effect on the specified date for the rule or, if registration of the rules is not effected until a later date, that later date.
- (11) If the central office has not, before the end of the transitional period, received from an existing registered friendly society copies of its rules as altered in accordance with subsection (5) above, the society shall be treated as having agreed upon such alteration of its rules as the Commission directs.
- (12) Where the Commission proposes to give a direction under subsection (11) above in relation to a society it shall—
 - (a) serve on the society a notice stating that it proposes to give a direction; and
 - (b) consider any representations made by the society within such period (not being less than fourteen days) from the date on which the notice is served as the Commission may allow;and, if the society so requests, the Commission shall afford to it an opportunity of being heard by the Commission within that period.
- (13) Where under this section a society is treated as having agreed upon altered rules, the central office shall prepare three copies of rules for the society and shall—
 - (a) retain and register one copy,
 - (b) send another to the secretary of the society, together with a certificate of registration, and
 - (c) keep another copy, together with a copy of that certificate, in the public file of the society;and the rules so registered shall be for all purposes the rules of the society until amended under the 1974 Act.
- (14) In this section "the transitional period" means the period beginning with the commencement date for this section and expiring with such day as the Commission, with the consent of the Treasury, prescribes by order.
- (15) Subsections (5) to (14) above apply to the rules of a registered branch of an existing friendly society as they apply to the rules of the society.

94 Registered friendly societies and branches: validation and ratification by members

- (1) Subject to subsection (3) below, if action not permitted by the rules of a registered friendly society or a registered branch is taken by or on behalf of the society or branch, the action is valid (whether or not it would be valid apart from this subsection) if all the members of the society or branch—
 - (a) signified their agreement to it in writing before it was taken; or
 - (b) signified their approval of it in writing before the end of the period of 28 days commencing with the day on which it was taken.
- (2) Subject to subsection (3) below, if a contract between a registered friendly society or branch and its members purports to create rights and obligations as to which the rules of the society or branch do not permit rights and obligations to be created, the contract shall be valid and shall bind all members of the society or branch if all members of the society or branch are parties to it.
- (3) This section does not validate the taking of any action or any term in a contract unless the matter falls within the capacity of a registered friendly society or branch under the 1974 Act or this Act.
- (4) In this section references to the members of a society or branch are to the members entitled to vote at a meeting of the society or branch.

95 Amendments of 1974 Act

Schedule 16 to this Act (which contains amendments to the 1974 Act) shall have effect.

Societies registered in Northern Ireland

96 Extension of 1974 Act to Northern Ireland

- (1) The 1974 Act shall extend to Northern Ireland.
- (2) Societies which, immediately before the commencement of subsection (1) above, were societies registered under any provision of section 1 of the Friendly Societies Act (Northern Ireland) 1970 shall be treated as if they were societies registered under the corresponding provision of section 7 of the 1974 Act.
- (3) A branch of a society registered under that Act of 1970 which is, immediately before the commencement of subsection (1) above, a registered branch of the society under that Act, shall be treated as a branch registered under the 1974 Act.
- (4) In consequence of subsections (1) to (3) above, the Friendly Societies Act (Northern Ireland) 1970 is repealed.

Other miscellaneous provisions

97 Insurance protection

The Policyholders Protection Act 1975 shall have effect subject to the amendments in Schedule 17 to this Act, being amendments to extend that Act to contracts of insurance with friendly societies.

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98 Financial services

The Financial Services Act 1986 shall have effect subject to the amendments in Schedule 18 to this Act, and in that Schedule—

- (a) the amendments in Part I relate to the provisions of that Act other than Schedule 11; and
- (b) the amendments in Part II relate to Schedule 11 to that Act (friendly societies).

99 Insurance of lives of children under 10

(1) Subject to the following provisions of this section, if—

- (a) after this section comes into force a friendly society or registered branch or an industrial assurance company enters into a contract of insurance under which benefit in excess of £800 is payable on the death of any person; and
- (b) that person dies under the age of 10,

the obligation of the society, branch or company as to payment of benefit is only to pay £800 (without prejudice to any person's right to recover part of the premiums paid).

- (2) Subsection (1) above does not apply where the benefit is payable to a person who has an interest in the life of the person on whose death it is payable.
- (3) The Commission may, with the consent of the Treasury, by order substitute some other sum for the sum for the time being specified in subsection (1) above.
- (4) In the application of this section to Northern Ireland the references to industrial assurance companies shall be omitted.

100 Industrial assurance

Schedule 19 to this Act (which contains amendments as relating to industrial assurance) shall have effect.

101 Law applicable to contracts of insurance with friendly societies

- (1) The law applicable to a contract of insurance made by a friendly society the effecting of which constitutes long term business or general business and which covers risks situated in the United Kingdom or another member State shall be determined in accordance with the provisions of Schedule 20 to this Act.
- (2) Those provisions do not apply in relation to a contract of reinsurance.