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**Changes to legislation:** There are currently no known outstanding effects for the Friendly Societies Act 1992, Cross Heading: Penal provisions. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 10

#### APPLICATION OF COMPANIES WINDING UP LEGISLATION TO INCORPORATED FRIENDLY SOCIETIES

#### PART II

#### MODIFIED APPLICATION OF INSOLVENCY ACT 1986 PARTS IV <sup>[F1]</sup>, <sup>[F16, 7,]</sup> 12 AND 13<sup>[F1]</sup> AND SCHEDULE 10<sup>[F1]</sup>

##### Textual Amendments

- F1** Words in Sch. 10 Pt. II heading inserted (13.3.2018) by The Small Business, Enterprise and Employment Act 2015 (Consequential Amendments, Savings and Transitional Provisions) Regulations 2018 (S.I. 2018/208), regs. 1(3), **3(a)**
- F1** Words in Sch. 10 Pt. II heading substituted (7.4.2017) by The Deregulation Act 2015, the Small Business, Enterprise and Employment Act 2015 and the Insolvency (Amendment) Act (Northern Ireland) 2016 (Consequential Amendments and Transitional Provisions) Regulations 2017 (S.I. 2017/400), regs. 1(2), **3(a)**

##### *Penal provisions*

- 33 Sections 216 and 217 of the Act (restriction on re-use of name) do not apply.
- 34 (1) Sections 218 and 219 (prosecution of delinquent officers) of the Act do not apply in relation to offences committed by members of an incorporated friendly society acting in that capacity.
- (2) Sections 218(5) of the Act and subsections (1) and (2) of section 219 of the Act do not apply.
- (3) The references in subsections (3) and (4) of section 219 of the Act to the Secretary of State shall have effect as references to the <sup>[F1]</sup>FCA; and the reference in subsection (3) to section 218 of the Act shall have effect as a reference to that section as supplemented by paragraph 35 below.

##### Textual Amendments

- F1** Word in Sch. 10 para. 34(3) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 53(5)** (with Sch. 12)

- 35 (1) Where a report is made to the prosecuting authority (within the meaning of section 218) under section 218(4) of the Act, in relation to an officer of an

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incorporated friendly society, he may, if he thinks fit, refer the matter to the [F<sup>2</sup>FCA] for further enquiry.

- (2) On such a reference to it the [F<sup>2</sup>FCA] shall exercise its power under section 65(1) above to appoint one or more investigators to investigate and report on the matter.
- (3) An answer given by a person to a question put to him, in exercise of the powers conferred by section 65 above on a person so appointed, may be used in evidence against the person giving it.

#### Textual Amendments

- F2** Word in Sch. 10 para. 35 substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), Sch. 9 para. 53(5) (with Sch. 12)

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