

Changes to legislation: There are currently no known outstanding effects for the Friendly Societies Act 1992, SCHEDULE 16. (See end of Document for details)

SCHEDULES

SCHEDULE 16

Section 95.

AMENDMENTS OF 1974 ACT

- 1 The 1974 Act shall be amended as follows.
- 2 (1) In subsection (1) of section 4—
- (a) after the word “Act” there shall be inserted the words “ and the 1992 Act ”; and
 - (b) in paragraph (a), after the word “Wales,” there shall be inserted the words “ Northern Ireland, ”.
- (2) After subsection (2) of that section there shall be inserted the following subsection—
- “(2A) The central office shall maintain separate registers under this Act or, as the case may be, the 1992 Act in relation to societies whose registered offices are in Northern Ireland.”
- (3) In subsection (3) of that section, after the word “Act”, in each place where it occurs, there shall be inserted the words “ or the 1992 Act ”.

Commencement Information

- II** Sch. 16 para. 2 wholly in force; Sch. 16 para. 2 not in force at Royal Assent see s. 126(2); Sch. 16 para. 2(1)(a)(3) in force at 13.1.1993 by S.I. 1993/16, art. 2, Sch. 2; Sch. 16 para. 2(1)(b)(2) in force at 1.1.1994 by S.I. 1993/3226, art. 2(1), Sch. 2

^{F13}

Textual Amendments

- F1** Sch. 16 para. 3 repealed (1.12.2001) by S.I. 2001/2617, arts. 2, 13(2), Sch. 4 (with art. 13(3), Sch. 5); S.I. 2001/3538, art. 2(1)

- 4 In section 7, in subsection (1)—
- (a) for the words “may be” there shall be substituted the words “ may remain ”;
 - (b) in paragraph (a), for the words from “any” to the end of the paragraph there shall be substituted the words “ any purpose falling within Schedule 2 to the 1992 Act ”; and
 - (c) after paragraph (f) there shall be inserted the words—

“but no society may become registered under this Act after the commencement of section 93 of the 1992 Act.”

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Commencement Information

I2 Sch. 16 para. 4 wholly in force; Sch. 16 para. 4 not in force at Royal Assent see s. 126(2); Sch. 16 para. 4(a)(c) in force at 1.2.1993 by S.I. 1993/16, art. 2, Sch. 3; Sch. 16 para. 4(b) in force at 1.1.1994 by S.I. 1993/2213, art. 2(1), Sch. 6

5 In section 13(1), for the words from “except” to the end of the subsection there shall be substituted the words “ after the commencement of section 93 of the 1992 Act ”.

6 (1) For section 15 there shall be substituted the following section—

“15A Acknowledgement of registration and rules of new branch.

(1) On being satisfied that a branch has complied with the provisions of this Act as to registration, the registrar shall issue to that branch an acknowledgement of registration.

(2) An acknowledgement under subsection (1) above shall be conclusive evidence that the branch in question is duly registered under this Act, unless it is proved that the registration of the society of which it is a branch has been suspended or cancelled.

(3) An acknowledgement under subsection (1) above shall also constitute an acknowledgement, and be conclusive evidence, of the rules of the branch in force at the date of its registration.”

(2) Section 17 shall cease to have effect.

(3) Sub-paragraphs (1) and (2) above shall not affect the operation of section 15(2) and section 17 in relation to an acknowledgement of registration issued to a registered society under section 15(1).

7 In section 21, for the words “sum not exceeding 10p” there shall be substituted the words “ reasonable fee ”.

8 After section 23 there shall be inserted the following section—

“ Reinsurance

23A Reinsurance.

(1) The rules of a registered friendly society may provide for the carrying on by the society of any reinsurance business to which subsection (2) below applies but only to such extent or in such circumstances as may from time to time be approved by the appropriate actuary.

(2) This subsection applies to business consisting of the effecting and carrying out of contracts of reinsurance which—

(a) are insured or to be insured by any other registered society or any incorporated friendly society; and

(b) are of a class or part of a class of insurance business which the society carrying on the re-insurance business itself carries on.

(3) In this section “the appropriate actuary” has the same meaning as in the 1992 Act.”

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9 For section 24 there shall be substituted the following section—

“24 Trustees of registered societies and branches.

- (1) Every registered society and branch shall have one or more trustees.
- (2) The trustees may be appointed—
 - (a) by a resolution of the society or branch in general meeting; or
 - (b) in such other manner as the rules of the society or branch may provide.
- (3) If a trustee is appointed under subsection (2)(a) above, the society or branch shall send to the registrar a copy of the resolution appointing him, signed by the trustee so appointed and by the secretary of the society or branch.
- (4) If a trustee is appointed under subsection (2)(b) above, the society or branch shall send to the registrar—
 - (a) notice of his appointment signed by the secretary of the society or branch; and
 - (b) an acceptance of office signed by the trustee so appointed.
- (5) In the case of the appointment of a trustee of a branch, any document referred to in subsection (3) or (4) above shall be sent to the registrar through an officer appointed in that behalf by the society of which the branch forms part.
- (6) The same person may not be a secretary or treasurer of a registered society or branch and also a trustee of that society or branch.”

10 For section 26 there shall be substituted the following section—

“26 Proof of appointment of officers and trustees.

If any such list as is referred to in section 12(1)(c) above is signed—

- (a) by every trustee and other officer named in the list; and
- (b) by the secretary of the branch,

then on the registration of the branch the list shall be evidence that the persons so named have been duly appointed.”

11 Sections 27 and 28 shall cease to have effect.

12 Sections 29 to 45 shall cease to have effect in relation to registered friendly societies and registered branches of such societies.

13 In section 35, after subsection (5) there shall be inserted the following subsection—

“(5A) In the application of subsection (4) above to a society whose registered office is in Northern Ireland, the reference to the High Court shall be construed as a reference to the High Court in Northern Ireland.”

14 In section 40, after subsection (2) there shall be added the following subsection—

“(3) For the purposes of regulations made by virtue of this section, section 10 of the Friendly and Industrial and Provident Societies Act 1968 shall be taken to extend to Northern Ireland.”

15 (1) In section 46, in subsection (1), paragraphs (a) and (b) shall be omitted.

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- (2) Sub-paragraph (1) above has effect without prejudice to the generality of paragraph (e) of that subsection.
- (3) After subsection (2) of that section there shall be inserted the following subsection—
- “(2A) Subsections (2) to (12) of section 14 of the 1992 Act shall apply in respect of the powers of investment of the trustees of a registered friendly society as they apply to the powers of investment of an incorporated friendly society; and the consent required for any such investment as is available to the trustees of a registered friendly society by virtue of this subsection shall be the same as that required under subsection (1) above.”
- 16 In section 49—
- (a) in paragraph (b), for “ £200” there shall be substituted “ £800 ”; and
- (b) in paragraph (c), for “£50” there shall be substituted “ £200 ”.
- 17 In section 50, after subsection (2) there shall be inserted the following subsection—
- “(2A) Subsection (2) above does not apply to advances made by a registered friendly society or a branch of such a society.”
- 18 (1) In section 51—
- (a) at the end of subsection (2) there shall be added the words “ ; but those restrictions shall not apply to investments made by the trustees of a registered friendly society or of a branch of such a society ”; and
- (b) at the end of subsection (4) there shall be inserted the words “ or Part II of the Housing (Northern Ireland) Order 1981. ”.

Commencement Information

I3 [Sch. 16 para. 18](#) wholly in force; [Sch. 16 para. 18](#) not in force at Royal Assent see [s. 126\(2\)](#); [Sch. 16 para. 18\(1\)\(a\)](#) in force at 1.1.1994 by [S.I. 1993/2213](#), [art. 2\(1\)](#), [Sch. 6](#); [Sch. 16 para. 18\(1\)\(b\)](#) in force at 1.1.1994 by [S.I. 1993/3226](#), [art. 2\(1\)](#), [Sch. 2](#)

- 19 In section 53, for subsection (1) there shall be substituted the following subsection—
- “(1) A registered society or branch may, if its rules so provide, acquire and hold land for the purpose of carrying on any of its activities in the names of its trustees and may dispose of, or otherwise deal with, any land so held; and—
- (a) no person shall be bound to enquire as to the authority of the trustees to dispose of or deal with land;
- (b) the receipt of the trustees shall be a discharge for all sums of money arising from, or in connection with, the disposal of or other dealing with land.”
- (2) Subsection (3) of that section shall be omitted.
- 20 In section 55, at the end of subsection (4) there shall be added the words “ or Northern Ireland ”.
- 21 After section 57 there shall be inserted the following section—

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“57A Discharge of certain mortgages in Northern Ireland.

- (1) Where, in the case of any mortgage to a registered society or branch of any property, a receipt in full for any moneys secured thereby on that property is endorsed on or annexed to the mortgage, being a receipt—
 - (a) signed by the trustees of the society or branch and counter-signed by the secretary thereof; and
 - (b) in the form set out in Schedule 4 to this Act or in any other form specified in the rules of the society or branch or any schedule thereto, that receipt shall be fully effective to vacate the mortgage and vest in the mortgagor the estate of and in the property comprised in the mortgage.
- (2) If the mortgage is registered in accordance with the Registration of Deeds Act (Northern Ireland) 1970 the registrar under that Act shall—
 - (a) on production of the receipt mentioned in subsection (1) above make a note in the Abstract Book against the entry relating to the mortgage that the mortgage is satisfied; and
 - (b) grant a certificate, either on the mortgage or separately, that the mortgage is satisfied.
- (3) The certificate granted under subsection (2)(b) above shall—
 - (a) be received in all courts and proceedings without further proof; and
 - (b) have the effect of clearing the register of the mortgage.
- (4) In this section “mortgage” includes a further charge and “mortgagor”, in relation to a mortgage, means the person for the time being entitled to the equity of redemption.
- (5) This section extends to Northern Ireland only.”

22 After section 63 there shall be inserted the following section—

“63A Register of members of registered friendly societies.

- (1) Every registered friendly society shall maintain a register of the names and addresses of the members of the society.
- (2) The register shall be kept at the registered office of the society or at such other place or places as the committee of management thinks fit.
- (3) A society need not enter in the register the address of a member who became a member before the commencement of this section while it has no address for him and his whereabouts are unknown.
- (4) Where it appears to a society that the address shown in the register for a member is no longer current, the society—
 - (a) may remove that address from the register; and
 - (b) need not enter in the register an address for that member while it has no address for him and his whereabouts are unknown.
- (5) If a society contravenes subsection (1) above, it shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

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23 After section 65 there shall be inserted the following sections—

“65A Group insurance business.

- (1) If the rules of a registered friendly society expressly so direct, the society may carry on any group insurance business.
- (2) In this Act “group insurance business” means business (carried on in accordance with the society’s rules and subject to any regulations under section 11 of the 1992 Act) which—
 - (a) is of a description falling within Head A, or class 2 of Head B, of Schedule 2 to the 1992 Act; and
 - (b) is carried on as the business of providing benefits, in pursuance of a contract with a qualifying person, for or in respect of the members of a group scheme.
- (3) For the purposes of this section—

“group scheme” means a scheme or other arrangement under which benefits are to be provided for or in respect of persons who are members of the scheme and who qualify for membership by virtue of—

 - (a) being employees of a particular employer; or
 - (b) being members of some other group of persons of a description specified in regulations under section 11 of the 1992 Act;

“qualifying person” means a person who has established or is otherwise responsible for the operation of a group scheme or a trustee of such a scheme;

and “member”, in relation to a group scheme, includes any person for or in respect of whom benefits are to be provided under the scheme, whatever the terms in which such persons are described in the scheme.
- (4) Group insurance business may be carried on by a registered friendly society whether or not members of the group scheme are, or are required by the society to be, members of the society.
- (5) Where a registered friendly society carries on any group insurance business and the rules of the society so provide, any qualifying person with whom the society contracts (or his nominee) may be accorded the rights of a member of the society (including any right to vote) for the purpose of participating in the affairs of the society in the interests of the members of the group scheme with which he is concerned.
- (6) The rules of an incorporated friendly society may not prevent a person from being a member of the society in his private capacity by reason only of the fact that he has been accorded the rights of a member by virtue of subsection (5) above.
- (7) A person who is accorded the rights of a member of a society by virtue of subsection (5) above shall, for the purposes of any power which is conferred on the registrar or the Commission by this Act or the 1992 Act and is exercisable in the interests of members of the society, be treated as if he were a member of the society.

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- (8) The Commission may make regulations under section 11(7) of the 1992 Act which apply to group insurance business carried on by registered friendly societies.

65B Terms on which benefits are provided by friendly societies.

- (1) The terms on which a registered friendly society provides any benefit shall be—
- (a) specified in its rules; or
 - (b) determined in a manner specified in its rules.
- (2) If they are not specified in the society’s rules, the society—
- (a) shall make copies of them available free of charge to members of the society at every office of the society; and
 - (b) shall send, free of charge, copies of them to any member of the society who demands them.
- (3) If, on demand made of it under subsection (2) above, a society fails, in accordance with that subsection, to make available or, as the case may be within 7 days of the demand, to send to a person a copy of the terms on which a benefit is to be provided, the society shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

24 Sections 70 to 75 shall cease to have effect.

Commencement Information

I4 Sch. 16 para. 24 partly in force; Sch. 16 para. 24 not in force at Royal Assent see s. 126(2); Sch. 16 para. 24 in force to the extent specified at 1.2.1993 by S.I. 1993/16, art. 2, Sch. 3

- 25 (1) Section 76 shall be amended as follows.
- (2) In subsection (1)—
- (a) for the words “section 77 below” there shall be substituted the words “subsection (3A) below”; and
 - (b) in paragraphs (c) to (e) the words “or branch” shall be omitted in each place where they occur.
- (3) For subsection (3) there shall be substituted the following subsections—
- “(3A) This section does not apply to a dispute if—
- (a) the registered society concerned is a registered friendly society; or
 - (b) the registered branch concerned is a branch of a registered friendly society.
- (3B) The county court or, in Scotland, the sheriff may hear and determine a dispute falling within subsection (1) above if the parties agree that it shall be so determined instead of being determined under the rules.”
- (4) In subsection (4), at the end of paragraph (b) there shall be added the words “; and
- (c) does not include a dispute between the parties mentioned in subsection (1)(a) or (b) above which has arisen as a result of and incidentally to a dispute between a member, or a person aggrieved

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who has ceased to be a member, of a registered society or branch and a person claiming through him or under the rules of the registered society or branch.”

26 Section 77 shall cease to have effect.

27 In section 78(1), after the words “Act 1950” there shall be inserted the words “ or the corresponding provisions of the Arbitration Act (Northern Ireland) 1937 ”.

28 In section 80—

(a) in subsection (1), at the beginning there shall be inserted the words “ Subject to subsection (1A) below, ”;

(b) after subsection (1) there shall be inserted the following subsection—

“(1A) Subsection (1) above does not apply in any case where the lender is a registered friendly society or a branch of such a society.”

29 (1) Section 82 (amalgamation and transfer of engagements) shall be amended as follows.

(2) In subsection (2), after the word “transfer” there shall be inserted the words “ to any extent ”.

(3) In subsection (3)—

(a) after the word “transfer” there shall be inserted the words “ to any extent ”; and

(b) at the end there shall be added the words “ or to an industrial and provident society ”.

(4) After subsection (3) there shall be inserted the following subsections—

“(3A) A registered society, in order to transfer some but not all of its engagements, must in addition to passing the special resolution required by subsection (2) or (3) above resolve to do so by an affected members’ resolution, that is, a resolution passed by the appropriate majority of the members whose engagements with the society are included in the transfer and who, under the rules of the society, would be entitled to vote on a special resolution.

(3B) In subsection (3A) above, “appropriate majority” means a majority consisting of not less than three quarters of those members who vote.”.

(5) After subsection (7) there shall be added the following subsections—

“(8) This section does not apply to an amalgamation of or transfer of engagements by a registered friendly society.

(9) In this section “industrial and provident society” means a society registered or deemed to be registered under the Industrial and Provident Societies Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969.”

F230

Textual Amendments
F2 Sch. 16 para. 30 repealed (1.12.2001) by S.I. 2001/2617, arts. 2, 13(2), Sch. 4 (with art. 13(3), Sch. 5); S.I. 2001/3538, art. 2(1)

31 Section 84 shall cease to apply to registered friendly societies.

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32 After section 84 there shall be inserted the following section—

“84A Conversion of registered societies into industrial and provident societies.

- (1) A registered society other than a registered friendly society may apply for registration under the Industrial and Provident Societies Act 1965 if the proposal to apply for registration has been submitted to the members of the society for their consent by the procedure required for a proposal to amend the rules of the society and consent has been obtained in accordance with that procedure.
- (2) On the registration under the Industrial and Provident Societies Act 1965 of a registered society all property held immediately before that registration by any person in trust for the society or any branch of the society (whether or not a registered branch) shall become by virtue of this subsection property of the industrial and provident society.
- (3) After its registration under that Act, the society shall continue to be entitled to all rights and subject to all liabilities to which it was entitled or subject immediately before registration.
- (4) It is hereby declared for the avoidance of doubt that—
 - (a) the reference in subsection (2)(a) above to property includes a reference to property situated outside the United Kingdom; and
 - (b) the reference to rights and liabilities of such a society or branch includes a reference and liabilities under the law of any country or territory outside the United Kingdom.
- (5) Not later than the end of the period of 90 days beginning with the day on which a registered society is registered under the Industrial and Provident Societies Act 1965—
 - (a) the trustees of the society shall deliver to the registered office of the industrial and provident society any property of the registered society or any branch of the registered society held by them and any documents relating to the property, rights and liabilities of the registered society or to its financial affairs;
 - (b) the trustees of any branch of the registered society shall deliver to that office any property of the branch or any other branch of the society held by them and any documents relating to the property, rights and liabilities of the branch or to its financial affairs; and
 - (c) if he holds property on trust for the society or any branch of the society, the Public Trustee shall deliver to that office the property so held by him and any documents relating to it;but nothing in this Act shall have effect to relieve the trustees of a registered society or branch or the Public Trustee from any liability arising from acts or omissions before that registration.
- (6) If a registered society is registered under the Industrial and Provident Societies Act 1965, the registration of that society under this Act shall thereupon become void and shall be cancelled by the Chief Registrar or, under the direction of the Chief Registrar, by the assistant registrar for Scotland.

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- (7) Schedule 6A to this Act shall have effect to supplement this section.
- (8) In the application of this section to Northern Ireland, references in this section and Schedule 6A to the Industrial and Provident Societies Act 1965 shall be construed as references to the Industrial and Provident Societies Act (Northern Ireland) 1969.”

Commencement Information

- I5** Sch. 16 para. 32 wholly in force; Sch. 16 para. 32 not in force at Royal Assent see s. 126(2); Sch. 16 para. 32 (except para. (8)) in force at 1.2.1993 by S.I. 1993/16, art. 2, Sch. 3; Sch. 16 para. 32 (except subsection (8) of s. 84A) in force for all remaining purposes at 13.9.1993 by S.I. 1993/2213, art. 2(1), Sch. 2; Sch. 16 para. 32 (to the extent that it inserts section 84A(8) of the 1974 Act) in force at 1.1.1994 by S.I. 1993/3226, art. 2(1), Sch. 2

- 33 In section 86—
- (a) in subsection (1), at the beginning there shall be inserted the words “ Subject to subsection (2A) below ” and, after the words “registered society”, there shall be inserted the words “ or branch ”;
- (b) after subsection (2) there shall be inserted the following subsection—
- “(2A) For the purposes of this Act “special resolution”, in relation to a registered friendly society, shall be construed in accordance with paragraph 7 of Schedule 12 to the 1992 Act.”
- 34 For section 87 there shall be substituted the following section—

“ Winding-up, suspension of business and inspection

87 Power of Commission to apply for winding-up of registered friendly societies and branches.

- (1) If, on receiving the report on the state and conduct of the activities of a registered friendly society from a person appointed under section 65 of the 1992 Act, it appears to the Commission that it is in the interests of the members of the society or of the public that the society should be wound up, then, unless the society is already being wound up by the court, the Commission may present a petition to the High Court or, in Scotland, to the Court of Session for the society to be wound up by the court in accordance with the Insolvency Act 1986 or, as the case may be, the Insolvency (Northern Ireland) Order 1989 if the court thinks it just and equitable that this should be done.

- (2) Subsection (1) above applies in relation to a registered branch of a registered friendly society as it applies in relation to such a society.”

- 35 Sections 88 and 89 shall cease to have effect.
- 36 Section 90 shall cease to have effect in relation to registered friendly societies.
- 37 In section 91(4), after the words “section 85(4) above” there shall be inserted the words “ or under any provision of the 1992 Act ”.
- 38 In section 93—

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- (a) in subsection (1)(b), for the words from the beginning to “dissolution” there shall be substituted the words “ by an instrument of dissolution approved by a special resolution of the society or branch; ”;
- (b) in subsection (1)(c), after the words “section 95(3)” there shall be inserted the words “ or 95A(1) ”; and
- (c) in subsection (3), for the words from “to the county” to “within” there shall be substituted the words “—
 - (a) in England and Wales, to the county court for the district,
 - (b) in Scotland, to the sheriff of the sheriffdom, or
 - (c) in Northern Ireland, to the county court for the division,within ”.

Commencement Information

16 Sch. 16 para. 38 wholly in force; Sch. 16 para. 38 not in force at Royal Assent see s. 126(2); Sch. 16 para. 38(a) in force at 1.2.1993 by S.I. 1993/16, art. 2, Sch. 3; Sch. 16 para. 38(b)(c) (to the extent that it introduces paras. (a)(b) into section 93(3)) in force at 28.4.1993 by S.I. 1993/1186, art. 2(3), Sch. 3; Sch. 16 para. 38(c) (to the extent that it introduces para. (c) into s. 93(3) of the 1974 Act) in force at 1.1.1994 by S.I. 1993/3226, art. 2(1), Sch. 2

- 39 Section 95 shall cease to have effect in relation to registered friendly societies and, after that section, there shall be inserted the following section—

“95A Dissolution of registered friendly societies and branches by award.

- (1) Subject to subsection (2) below, if upon an investigation under section 65 of the 1992 Act it appears to the Commission—
 - (a) that the funds of a registered friendly society or of a registered branch of such a society are insufficient to meet the existing claims on them, or
 - (b) that the rates of contribution fixed in the rules of the society or branch are insufficient to cover the benefits assured to be given by the society or branch,

the Commission may, if it considers it expedient to do so, award that the society or branch be dissolved and its affairs wound up; and where such an award is made the Commission shall direct in what manner the assets of the society or branch shall be divided or appropriated.

- (2) Where the Commission makes an award under this section, it may suspend the operation thereof for such period as it may deem necessary to enable the society or branch to make such alterations and adjustments of contributions and benefits as will in its judgment prevent the necessity of the award of dissolution coming into operation; and where within that period the alterations and adjustments are made, the Commission may cancel the award.
- (3) The Commission proceeding under this section shall have the same powers and authorities, enforceable by the same penalties, as the Chief Registrar has under section 95 above.

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- (4) Within twenty-one days after the making of an award under this section, the Commission shall send to the central office notice of the award of dissolution and upon its receipt the central office shall cause notice of the award to be advertised in the Gazette and in some newspaper in general circulation in the neighbourhood of the registered office of the society or branch; and unless—
 - (a) within three months from the date on which that advertisement appears, a member or other person interested or having any claim on the funds of the society or branch commences proceedings to set aside the dissolution of the society or branch consequent upon the award, and
 - (b) the dissolution is set aside accordingly,
 the society or branch shall be legally dissolved from the date of the advertisement.
- (5) The expenses of every award, and of advertising every notice, under this section shall be paid out of the funds of the society or branch before any other appropriation thereof is made.”

40 In section 96, after the words “section 95(3)” there shall be inserted the words “ or 95A(1) ”.

41 In section 97, in subsection (1)(b) after the words “section 95 (6)(a)” there shall be inserted the words “ or 95A(4)(a) ”.

- 42 In section 98—
- (a) in subsection (1)(g), for the words from “a certificate” to “false” there shall be substituted the words “ to the society or branch from which the money is claimed a false death ”;
 - (b) in subsection (2), at the end there shall be inserted the words “ or the Industrial Assurance (Northern Ireland) Order 1979 ”;
 - (c) in subsection (8), after “1923” there shall be inserted the words “ and Article 46(2) of the Industrial Assurance (Northern Ireland) Order 1979 ”.

Commencement Information

I7 Sch. 16 para. 42 wholly in force; Sch. 16 para. 42 not in force at Royal Assent see s. 126(2); Sch. 16 para. 42(a) in force at 1.2.1993 by S.I. 1993/16, art. 2, Sch. 3; Sch. 16 para. 42(b)(c) in force at 1.1.1994 by S.I. 1993/3226, art. 2(1), Sch. 2

43 In section 100(a), at the end there shall be added the words “ other than a registered friendly society or branch of such a society ”.

F³44

Textual Amendments

F3 Sch. 16 para. 44 repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 10; S.I. 2005/910, art. 3(aa)

45 Section 106 shall cease to have effect.

46 In section 107, after subsection (2) there shall be inserted the following subsection—

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“(2A) In the application of this section to Northern Ireland, references to the Secretary of State shall be construed as references to the Department of Health and Social Services for Northern Ireland.”

F4 47

Textual Amendments

F4 Sch. 16 para. 47 repealed (1.12.2001) by S.I. 2001/2617, arts. 2, 13(2), Sch. 4 (with art. 13(3), Sch. 5); S.I. 2001/3538, art. 2(1)

- 48 In section 111(1)—
- (a) in the definition of “collecting society” at the end there shall be added the words “ or the Industrial Assurance (Northern Ireland) Order 1979 ”;
 - (b) after that definition there shall be inserted the following definition—
““Commission” means the Friendly Societies Commission;”;
 - (c) in the definition of “the Companies Acts” after “1985” there shall be inserted the words “ or, in Northern Ireland, the Companies (Northern Ireland) Order 1986 ”;
 - (d) in the definition of “Gazette”, after paragraph (b) there shall be inserted the following paragraph—
“(c) the Belfast Gazette if the registered office of the society or branch is in Northern Ireland”;
 - (e) after the definition of “signed” there shall be inserted the following definition—
““the 1992 Act” means the Friendly Societies Act 1992”.

Commencement Information

I8 Sch. 16 para. 48 wholly in force; Sch. 16 para. 48 not in force at Royal Assent see s. 126(2); Sch. 16 para. 48(b)(e) in force at 1.2.1993 by S.I. 1993/16, art. 2, Sch. 3; Sch. 16 para. 48(a)(c)(d) in force at 1.1.1994 by S.I. 1993/3226, art. 2(1), Sch. 2

- 49 Section 115 shall cease to have effect.
- 50 In section 117(3), after the words “extends to” there shall be inserted the words “ Northern Ireland, ”.
- 51 (1) In paragraph 3 of Schedule 2—
- (a) in sub-paragraph (1), for the words “sub-paragraph (2)” there shall be substituted the words “ sub-paragraphs (2) and (3) ” and the words “the fines and” and “or fine” shall be omitted;
 - (b) after sub-paragraph (2) there shall be inserted the following sub-paragraph—
“(3) Nothing in sub-paragraph (1) above shall prevent a registered friendly society from specifying in its rules the manner in which the conditions under which any member may become entitled to any benefit assured by the society are to be determined, instead of specifying the conditions themselves.”

Changes to legislation: There are currently no known outstanding effects for the Friendly Societies Act 1992, SCHEDULE 16. (See end of Document for details)

- (2) Paragraphs 7, 12 and 15 of that Schedule shall cease to have effect in relation to registered friendly societies.

52 After Schedule 6 there shall be inserted the following Schedule—

“SCHEDULE
6A

CONVERSION OF REGISTERED SOCIETIES INTO INDUSTRIAL
AND PROVIDENT SOCIETIES: SUPPLEMENTARY

- 1 This Schedule has effect in relation to any registered society (“the society”) which is registered under the Industrial and Provident Societies Act 1965 and, in this Schedule, “registration” means registration under that Act.
- 2 (1) On the registration of the society any appointment as trustee of the society or any branch of it shall determine.
- (2) All officers of the society other than its trustees shall upon its registration become officers of the industrial and provident society holding corresponding offices in that society.
- 3 Any agreement made, transaction effected or other thing done by, to or in relation to the society or any branch of it (whether registered or not) which is in force or effective immediately before its registration shall have effect as if made, effected or done by, to or in relation to the industrial and provident society, in all respects, as if the industrial and provident society were the same person as the society or branch and accordingly references to the society or branch—
- (a) in any agreement (whether or not in writing) and in any deed, bond or instrument;
 - (b) in any process or other document issued, prepared or employed for the purposes of any proceeding before any court or other tribunal or authority; and
 - (c) in any other document whatsoever (other than an enactment) relating to or affecting any property, right or liability of the registered society or branch,
- shall be taken as referring to the industrial and provident society.
- 4 (1) Any agreement made by the society or any branch of it which is in force immediately before the society’s registration shall have effect as if—
- (a) for references to members of the society or branch there were substituted references to members of the industrial and provident society;
 - (b) for references to officers of the society or branch other than its trustees there were substituted references to the corresponding officers of the industrial and provident society; and
 - (c) for references to the trustees of the registered society or branch there were substituted references to the industrial and provident society.
- (2) References in sub-paragraph (1) above to an agreement include references to a deed, bond or other instrument.
- (3) It is hereby declared for the avoidance of doubt that—

Changes to legislation: *There are currently no known outstanding effects for the Friendly Societies Act 1992, SCHEDULE 16. (See end of Document for details)*

- (a) the effect of section 84A of this Act in relation to any contract of employment with the society or any of its branches in force immediately before the society's registration is merely to modify the contract by substituting the industrial and provident society as the employer (and not to terminate the contract or vary it in any other way); and
- (b) that section is effective to vest the rights and liabilities of the society or branch under any agreement or arrangement for the payment of pensions, allowances or gratuities in the industrial and provident society along with all other rights and liabilities of the society or branch;

and accordingly any period of employment with the society or branch shall count for all purposes as a period of employment with the industrial and provident society.”

Changes to legislation:

There are currently no known outstanding effects for the Friendly Societies Act 1992,
SCHEDULE 16.