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STATUTORY INSTRUMENTS

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**1987 No. 2132**

**The Friendly Societies (Long Term Insurance Business) Regulations 1987**

**PART VIII**

**MISCELLANEOUS AND GENERAL**

**Information**

**59.**—(1) If the Chief Registrar, for the purpose of considering whether to grant or revoke the authorisation of a society, or of monitoring its continued entitlement to authorisation, requires information, on a periodic basis or otherwise, he may serve on any person being an officer or member of the society who appears to him likely to be able to furnish such information a notice requiring him to—

- (a) make a return to the Chief Registrar, within a period or at a time specified in the notice, of such information as is so specified;
- (b) produce such documents or other material as are specified in the notice at a time or place so specified and to permit a person nominated by the Chief Registrar for the purpose to take copies of the documents or other material at that time and place;

provided that such a notice may not require any person to produce a privileged communication, or to furnish information contained in such a communication, made by or to a barrister, advocate or solicitor in his capacity as such.

(2) Where any person claims a lien on any documents or other material which he is required to produce under paragraph (1) above, the production shall be without prejudice to the lien.

**Valuations, returns and fees**

**60.**—(1) The powers conferred on the Chief Registrar by sections 41(1) (Valuations) and 43(6) (Annual return) of the 1974 Act to prescribe the form and particulars of valuations and annual returns shall extend to the prescribing of the form and particulars of valuation and returns required for the purposes of these Regulations.

(2) Section 104 (Fees) of the 1974 Act shall be amended by the insertion, at the end of subsection (1), of the words: “or the Friendly Societies (Long Term Insurance Business) Regulations 1987”.

**Penalties**

**61.**—(1) If a society contravenes the restrictions imposed by regulation 4 above, then—

- (a) the society shall be guilty of an offence and liable on conviction on indictment or on summary conviction to a fine which, on summary conviction shall not exceed the statutory maximum; and
- (b) every officer of the society who is in default shall be guilty of an offence and liable:—

- (i) on summary conviction to a fine not exceeding £2,000; or
  - (ii) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or both.
- (2) Any person who—
- (a) in connection with an application for authorisation under regulation 6 above; or
  - (b) in purporting to furnish information required by the Chief Registrar for the purposes of these Regulations, furnishes information which he knows to be false or misleading in a material particular or recklessly furnishes information which is false or misleading in a material particular, shall be guilty of an offence.
- (3) A person guilty of an offence under paragraph (2) above shall be liable—
- (a) on summary conviction to a fine not exceeding £2,000; or
  - (b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or both.

#### **Power to modify requirements in relation to particular societies**

**62.**—(1) The Chief Registrar may, on the application or with the consent of an authorised society, direct that all or any of the provisions specified in paragraph (4) of this regulation shall not apply to the society or shall apply to it with such modifications as the Chief Registrar may specify.

(2) Where the Chief Registrar makes a direction under this regulation, he may make it subject to conditions.

(3) the Chief Registrar may withdraw a direction under this regulation at any time; and he may vary any such direction on the application or with the consent of the society to which it relates.

(4) The provisions to which this regulation applies are—

- (a) Regulation 11, in any case in which the Chief Registrar is satisfied on the basis of information made available to him by the society that it possesses its required margin of solvency;
- (b) Regulations 34 to 58, in any case in which the Chief Registrar is satisfied that a provision contained in those Regulations is impracticable or unduly onerous or otherwise inappropriate in the circumstances of a society;
- (c) Regulation 12, in the case of a society to which the Chief Registrar has issued a direction pursuant to regulation 32(1).

#### **Deposits**

**63.** On the application of an authorised society to which section 7 (Deposits by collecting societies) of the 1923 Act applies, the Chief Registrar shall direct that section 7 shall cease to apply to the applicant society which shall thereupon become entitled to repayment of any sum deposited by it with the Accountant General of the Supreme Court pursuant to the provisions of the said section 7.

#### **Exercise of the Chief Registrar's functions**

**64.**—(1) If the Chief Registrar intends to be absent from the country, or will otherwise be unable to exercise his functions under these Regulations, he may appoint an Assistant Registrar of friendly societies to exercise those functions during the period when he will be unable to do so.

(2) If the Chief Registrar is incapacitated from exercising those functions, the Treasury may appoint a deputy to exercise them during the period of his incapacity.

### **Amendment of rules**

**65.**—(1) Notwithstanding anything contained in the rules of a society or in the 1974 Act, the committee of management or other directing body of a society which has been authorised under these Regulations may, by resolution passed before 31st December 1988, agree upon any amendments to its rules required for conformity with any provision of these Regulations and shall send two copies of its resolution to the Central Office within 21 days of its having been passed.

(2) The Central Office, on being satisfied that the amended rules are in conformity with the 1974 Act and these Regulations, shall register one copy of the amended rules and place it on the public file of the society and shall return the other copy to the society with an acknowledgement of its registration.

(3) The amendments to the society's rules shall take effect on the date on which they are registered.