
STATUTORY INSTRUMENTS

1993 No. 3226 (C.65)

FRIENDLY SOCIETIES

The Friendly Societies Act 1992 (Commencement No. 7 and Transitional Provisions and Savings) Order 1993

Made - - - - 22nd December
1993

The Treasury, in exercise of the powers conferred on them by section 126(2) and (3) of the Friendly Societies Act 1992(1) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Friendly Societies Act 1992 (Commencement No. 7 and Transitional Provisions and Savings) Order 1993.

(2) In this Order—

“the 1970 Act” means the Friendly Societies Act (Northern Ireland) 1970(2);

“the 1974 Act” means the Friendly Societies Act 1974(3);

“the 1979 Order” means the Industrial Assurance (Northern Ireland) Order 1979(4);

“the 1992 Act” means the Friendly Societies Act 1992;

“collecting society” has the meaning given to that term in article 2(2) of the 1979 Order(5); and

“industrial assurance company” has the meaning given to that term in article 2(2) of the 1979 Order(6).

Days appointed

2.—(1) The provisions of the 1992 Act specified in column 1 of Schedule 1 to this Order (which relate to the matters mentioned in column 2 of that Schedule) shall come into force for all remaining purposes on 1st January 1994 and the provisions of the 1992 Act specified in column 1 of Schedule 2 to this Order (which relate to the matters mentioned in column 2 of that Schedule) shall come into force generally on 1st January 1994.

(1) 1992 c. 40.

(2) 1970 c. 31 (N.I.).

(3) 1974 c. 46.

(4) S.I. 1979/1574 (N.I.13).

(5) Article 2(2) was amended by paragraph 18(1) of Schedule 19 to the 1992 Act.

(6) Article 2(2) was amended by paragraph 18(1) of Schedule 19 to the 1992 Act.

(2) Notwithstanding article 2(2) of the Friendly Societies Act 1992 (Commencement No. 6 and Transitional Provisions) Order 1993(7), section 31 of the 1992 Act shall come into force on 1st January 1995 in relation to the carrying on of any insurance or non— insurance business by a friendly society to which subsection (2) of section 96 of the 1992 Act applies.

Transitional provisions

3. In relation to a friendly society, or branch of a friendly society, to which subsection (2) or (3) of section 96 of the 1992 Act applies, in the provisions of the 1992 Act specified in column 1 of Schedule 3 to this Order, for references to provisions of the 1974 Act specified in column 2 of that Schedule there are substituted references to the corresponding provisions of the 1970 Act specified in column 3 of that Schedule.

4. A friendly society to which subsection (2) of section 96 of the 1992 Act applies may, notwithstanding the amendments made to section 7(1) of the 1974 Act by paragraph 4 of Schedule 16 to the 1992 Act, and the repeal of Schedule 1 to the 1970 Act by Part II of Schedule 22 to the 1992 Act, continue to provide for any of the purposes specified in Schedule 1 to the 1970 Act which it may undertake under its rules until it has altered its rules to enable it to provide for any purpose falling within Schedule 2 to the 1992 Act or until 1st January 1995, whichever is the earlier.

5. In paragraph (2) of article 2 of the 1979 Order, in the definition of “Registrar”, for the words “section 96(1) of the Friendly Societies Act (Northern Ireland) 1970” to the end of the definition(8), there is substituted “article 2A of the Credit Unions (Northern Ireland) Order 1985 to perform in Northern Ireland the powers and duties of the Registrar of Credit Unions”(9).

6. The matters which an industrial assurance company and a collecting society shall cause to be set out in the premium receipt books provided by them for use in respect of policies of industrial assurance under article 22 of the 1979 Order shall remain the matters specified in the Schedule 4 to the 1979 Order relating to the provisions listed in that Schedule prior to the partial repeal of that Schedule(10) and the amendments made to the provisions listed in it by the 1992 Act(11) notwithstanding such partial repeal and amendment until any such company or society reprints its premium receipt books or until 1st January 1996, whichever is the earlier.

7.—(1) A society, or branch of a society, to which subsection (2) or (3) of section 96 of the 1992 Act applies, shall continue to be subject to sections 23, 34 and 36 of the 1970 Act for the purposes of any revenue accounts or balance sheets due to be prepared, any quinquennial or triennial valuation due to be carried out or any annual return due to be sent in respect of the year of account for 1993, or any previous year or, as the case may be, in respect of any period of five or three years ending on or before 31st December 1993 until the relevant steps have been taken under those sections (with the transitional arrangements set out in paragraph (2) below) notwithstanding the repeal of sections 23, 34 and 36 of the 1970 Act by Schedule 22 to the 1992 Act.

(2) For the purpose of performing the relevant steps referred to in paragraph (1) above, in sections 34 and 36 of the 1970 Act, for the word “registrar”, wherever occurring, there is substituted “Friendly Societies Commission”.

8. A society, or branch of a society, to which subsection (2) or (3) of section 96 of the 1992 Act applies, shall continue to be subject to section 31 of the 1970 Act for the purposes of any report due to be made to the society or branch in respect of the year of account for 1993 or any previous year

(7) S.I. 1993/2213 (C.43).

(8) The definition of “Registrar” was amended by paragraph 18(2)(c) of Schedule 19 to the 1992 Act.

(9) S.I. 1985/1205 (N.I.12). Article 2A was inserted by paragraph 29 of Schedule 21 to the 1992 Act.

(10) Schedule 4 to the 1979 Order was repealed in part by Part II of Schedule 22 to the 1992 Act.

(11) New articles were substituted for articles 29 and 36 of the 1979 Order by paragraphs 25 and 27 of Schedule 19 to the 1992 Act and article 9 of the 1979 Order was repealed by Part II of Schedule 22 to the 1992 Act. The repeal of article 9 of the 1979 Order is partly brought into force by article 2 of this Order.

until such report has been made notwithstanding the repeal of section 31 of the 1970 Act made by Schedule 22 to the 1992 Act.

Savings

9. A certificate of exemption granted to a collecting society under article 12 of the 1979 Order before 1st January 1994 shall remain in force in relation to any such society until the certificate is revoked by the Friendly Societies Commission notwithstanding the substitution of a new paragraph for paragraph (1) of article 12 of the 1979 Order(**12**) .

10. Notwithstanding the substitution by paragraph 20(h) of Schedule 19 to the 1992 Act of “Commission” for “Commissioner” in article 42(1)(b) of the 1979 Order, it shall remain an offence under article 42 of the 1979 Order for a collecting society to contravene or fail to comply with any direction by the Commissioner.

22nd December 1993

Tim Wood
Irvine Patnick
Two of the Lords Commissioners of Her
Majesty’s Treasury

(12) Article 12(1) was substituted under paragraph 21 of Schedule 19 to the 1992 Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Article 2

PROVISIONS OF THE 1992 ACT COMING INTO FORCE
FOR ALL REMAINING PURPOSES ON 1ST JANUARY 1994

| (1) Provisions of the Act | (2) Subject matter of provisions |
|---|---|
| Schedule 98, to the extent that it relates to the provision of Schedule 18 specified in this Schedule | Financial services |
| In Schedule 18, paragraph 13 | Amendments of Financial Services Act 1986 |

SCHEDULE 2

Article 2

PROVISIONS OF THE 1992 ACT COMING INTO
FORCE GENERALLY ON 1ST JANUARY 1994

| (1) Provisions of the Act | (2) Subject matter of provisions |
|--|--|
| Section 82(5) | Disputes arising out of loans of surplus funds to societies of different description |
| Section 95, to the extent that it relates to any provision of Schedule 16 specified in this Schedule | Amendments of 1974 Act |
| Section 96 | Extension of 1974 Act to Northern Ireland |
| Section 100, to the extent that it relates to any provision of Part II of Schedule 19 specified in this Schedule | Industrial assurance |
| Section 120, to the extent that it relates to any provision of Schedule 21 specified in this Schedule or to any provision of Schedule 22 specified in this Schedule | Amendments and repeals |
| Section 124 | Northern Ireland |
| In Schedule 16, paragraphs 1, to the following extent, 2(1)(b) and (2), 13, 14, 18(1)(b), 20, 21, 27, 30, 32 (to the extent that it inserts section 84A(8) of the 1974 Act), 38(c) (to the extent that it introduces paragraph (c) into section 93(3) of the 1974 Act), 42(b) and (c), 44, 46, 48(a), (c) and (d), 49 and 50 | Amendments of the 1974 Act |
| In Part II of Schedule 19, paragraphs 17, to the following extent, 18 to 25, 27 and 29 to 32 | Industrial assurance |
| In Part I of Schedule 21, paragraphs 18 and 19 | Amendments of enactments |
| Part II of Schedule 21 | Amendments of Northern Ireland legislation |

| (1) Provisions of the Act | (2) Subject matter of provisions |
|---|---|
| So much of Part I of Schedule 22 as is specified in the Appendix to this Schedule | General repeals |
| Part II of Schedule 22, except to the extent it repeals, in the Industrial Assurance (Northern Ireland) Order 1979, articles 4(1) (other than the words “and in the exercise and performance of his powers and duties as Registrar under the Friendly Societies Act in relation to collecting societies” which are repealed) and (3), 5 and 9(1)(a) (other than the words “signed by two of the committee of management and by the secretary” which are repealed) | Repeals of Northern Ireland legislation |

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APPENDIX

REPEALS TAKING EFFECT ON 1ST JANUARY 1994

| Chapter | Short title | Extent of repeal |
|-----------------|---|--|
| 12.Geo. 6 c.39. | Industrial Assurance and Friendly Societies Act 1948. | Section 2. In section 10(1)(a) the words “signed by two of the committee of management and by the secretary”. |
| 1974 c. 39. | Consumer Credit Act 1974. | In section 189(1), in the definition of “friendly society”, the words “or a society within the meaning of the Friendly Societies Act (Northern Ireland) 1970”. |
| 1974 c. 46. | Friendly Societies Act 1974. | In section 98, subsection 1(e) and, in subsection (4), the words “in the amalgamation or transfer of engagements or”. Section 111(6). Section 115. In section 117(3), the words “but does not extend to Northern Ireland”. Schedule 3. |
| 1984 c. 43. | Finance Act 1984. | In section 73(4), the words “section 1 of the Friendly Societies Act (Northern Ireland) 1970 and”. In section 73(5), the words from “according” to “1970; or”. |
| 1984 c. 62. | Friendly Societies Act 1984. | Section 3. |
| 1985 c. 39. | Companies Act 1985. | In section 449(3), in paragraph (j) the words “and the Registrar of Friendly Societies for Northern Ireland” and in paragraph (k) the words “and the Industrial Assurance Commission for Northern Ireland”. |

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| Chapter | Short title | Extent of repeal |
|-------------|------------------------------|--|
| 1986 c. 53. | Building Societies Act 1986. | In section 7(4)(c)(ii), the words “or the Friendly Societies Act (Northern Ireland) 1970”. |
| 1987 c. 22. | Banking Act 1987. | In section 96(7), the words from “and in relation to” onwards. In Schedule 2, in paragraph 6(1), the words from “or section 1(1)(a)” onwards. |

SCHEDULE 3

Article 3

| (1) | (2) | (3) |
|----------------------------|---|--|
| Provisions of the 1992 Act | Reference to provisions of the 1974 Act | Corresponding provisions of the 1970 Act |
| Section 33(1)(c) | Section 88(1) | Section 78(1) |
| Section 47(3)(a)(ii) | Section 41 | Section 34 |

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force the provisions of the Friendly Societies Act 1992 listed in Schedules 1 and 2 for all remaining purposes and generally respectively on 1st January 1994. In particular the Order brings the 1992 Act into force for Northern Ireland, gives effect to the extension of the Friendly Societies Act 1974 to Northern Ireland and gives effect to the repeal of Northern Ireland legislation relating to friendly societies.

Article 2 also provides that, in relation to friendly societies which were previously registered in Northern Ireland, section 31 of the Act, which requires friendly societies to be authorised to carry on business in the UK, is to come into force on 1st January 1995.

The Order also contains transitional and savings provisions in relation to societies which were previously registered in Northern Ireland. Article 3 extends certain transitional provisions contained in the 1992 Act to friendly societies which were previously registered in Northern Ireland by substituting references to provisions of Northern Ireland legislation for references to provisions of the 1974 Act. The provisions relate to orders to suspend business (s78(1) of the 1970 Act) and to valuations of assets and liabilities (s34).

Article 4 enables friendly societies which were previously registered in Northern Ireland to continue to carry out purposes specified in Schedule 1 to the 1970 Act until they change their rules to conform with the 1992 Act purposes or are required to be authorised.

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Article 5 substitutes the Registrar of Credit Unions for the Registrar of Friendly Societies for Northern Ireland as the officer who is to be known as the Industrial Assurance Commissioner under the 1979 Order. This ensures that remaining functions of the Commissioner may continue to be performed despite the abolition of the post of the Registrar of Friendly Societies for Northern Ireland by the repeal of the 1970 Act by this Order. Eventually all functions of the Commissioner will be repealed.

Article 6 provides for a transitional period during which industrial assurance companies and collecting societies are to change the particulars in their premium receipt books issued in Northern Ireland. Articles 7 and 8 ensure the compliance with the outstanding accounting, reporting and auditing obligations of societies previously registered in Northern Ireland.

Article 9 provides, for the avoidance of doubt, that exemptions granted under article 12 of the 1979 Order have continuing validity. Article 10 provides for the saving of offences for failure to comply with or contravene any directions by the Industrial Assurance Commissioner.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

| Provisions | Date of Commencement | S.I. No. |
|---|----------------------|---------------------------|
| Sections 1 to 4, Schedule 1, sections 116 to 119, sections 121 to 123 and section 126. | 8.6.92 | 1992/1325 |
| Section 84, section 120 (partially) and Schedule 21 (partially). | 1.1.93 | 1992/3117 |
| Sections 27 to 30 (partially), sections 31 to 43 (partially), sections 44 to 57 (partially), sections 58 to 61, sections 62 to 67 (partially), sections 68 to 79 (partially), sections 80 to 83 (except section 82(5)), section 95 (partially), section 100 (partially), section 114, section 120(2) (partially), Schedules 11 to 13 (partially), Schedule 14 (except paragraph 7) (partially), Schedule 16 (partially), Schedule 19 (partially) and Schedule 22 (partially). | 13.1.93 | 1993/16 |
| Sections 5 to 26, subsections (1) to (4) of section 93, section 94, section 95 (partially), section 98 (partially), section 99, section 100 (partially), sections 101 to 113, section 115, section 120 (partially), section 125, Schedule 2, | 3.2.93 | 1993/16 |

| Provisions | Date of Commencement | S.I. No. |
|--|----------------------|---------------------------|
| Schedule 3 (except paragraph 9(2)), Schedules 4 to 10, Schedule 16 (partially), Schedule 18 (partially), Schedule 19 (partially), Schedule 20, Schedule 21 (partially), and Schedule 22 (partially). | | |
| Section 120(2) (partially) and Schedule 22 (partially). | 3.2.93 | 1993/197 |
| Sections 51 to 54 and section 56, section 57, sections 62 to 64, sections 65 to 67, section 98 (partially), section 100 (partially), Schedule 16 (partially), Schedule 18 (partially), Schedule 19 (partially), and Schedule 22 (partially). | 28.4.93 | 1993/1186 |
| Sections 27 to 30 (partially), section 32 (partially), sections 33 to 34, section 44 (partially), section 45, section 46 (partially), section 48 (partially), section 49 (partially), section 50, section 70 (partially), section 71 (partially), section 72 (partially), sections 85 to 92, section 95 (partially), section 100 (partially), section 120 (partially), Schedules 11 and 12 (partially), Schedule 13, Schedule 14 (partially), Schedule 15, Schedule 16 (partially), Schedule 19 (partially) and Schedule 22 (partially). | 13.9.93 | 1993/2213 |
| Sections 27 to 30, section 32 (partially), section 44, sections 46 to 49, section 55, sections 68 to 79 (partially), section 93 (partially), section 95 (partially), section 98 (partially), section 100 (partially), section 120 (partially), Schedules 11 and 12, Schedule 14, Schedule 16 (partially), Schedule 18 | 1.1.94 | 1993/2213 |

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| Provisions | Date of Commencement | S.I. No. |
|---|----------------------|----------|
| (partially), Schedule 19 (partially) and Schedule 22 (partially). | | |