

SCHEDULE 3

ENACTMENTS AMENDED

PART I

FRIENDLY SOCIETIES

Amendments to the Friendly Societies Act 1974

1. The Friendly Societies Act 1974(1) is amended as follows.
2. Sections 1, 2, 3, 5 and 6(2) (which make provision for the Chief Registrar, the assistant registrar for Scotland, the assistant registrars and the central office) cease to have effect.
3. In section 12—
 - (a) in subsection (1) for the word “registrar” there is substituted “Authority”, and
 - (b) in subsection (2) the words from “in the” to the end are omitted.
4. In section 15A(1)(3) for the word “registrar” there is substituted “Authority”.
5. In section 16(4)—
 - (a) for subsection (1) there is substituted—

“(1) If the Authority refuses to register a branch, the branch may appeal to the High Court or, in the case of a branch whose registered office is to be situated in Scotland, the Court of Session.”, and
 - (b) in subsection (2)—
 - (i) for the word “registrar” there is substituted “Authority”, and
 - (ii) for the words “section 15” there is substituted “section 15A”.
6. In section 18—
 - (a) for the word “registrar”, wherever it appears, there is substituted “Authority”, and
 - (b) in subsection (2)(b) for the word “he” there is substituted “the Authority”.
7. In section 19 for the word “registrar” there is substituted “Authority”.
8. In section 20—
 - (a) for subsection (1) there is substituted—

“(1) If the Authority refuses to register an amendment of a rule of a registered society or branch, the society or branch may appeal to the High Court or, in the case of a society or branch whose registered office is situated in Scotland, the Court of Session.”, and
 - (b) in subsection (2) for the word “registrar” there is substituted “Authority”.
9. In section 24(5), for the word “registrar”, wherever it appears, there is substituted “Authority”.

(1) 1974 c. 46.

(2) Section 2 was amended by the Friendly Societies Act 1981 (c. 50), section 1, and the Courts and Legal Services Act 1990 (c. 41), Schedule 10 paragraph 35. Section 6(2) was repealed the Friendly Societies Act 1992 (c. 40), Schedule 16 paragraph 3 and Schedule 22 Part I.

(3) Section 15A was substituted by the Friendly Societies Act 1992, Schedule 16 paragraph 6(1).

(4) Section 16 was amended by the Friendly Societies Act 1992, Schedule 22, Part I.

(5) Section 24 was substituted by the Friendly Societies Act 1992, Schedule 16 paragraph 9.

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10. In section 30A(11)(6) for the word “registrar” there is substituted “Authority”.
11. In section 31—
 - (a) in subsection (2) the words “(not being a collecting society or branch thereof)” are omitted, and
 - (b) in subsection (5) for the words “Chief Registrar, with the consent of the Treasury,” there is substituted “Treasury”.
12. In section 32—
 - (a) for the word “registrar”, wherever it appears, there is substituted “Authority”, and
 - (b) in subsection (3)(b) for the word “him”, both times it appears, there is substituted “the Authority”.
13. In section 32A(4) and (5)(b) for the word “registrar” there is substituted “Authority”.
14. In section 35(5) for the words “registered in” there is substituted “whose registered office is situated in”.
15. In section 36, subsections (2) and (3) are omitted.
16. In section 39C—
 - (a) in the side-note for the word “Registrar’s” there is substituted “Authority’s”,
 - (b) in subsections (1) and (2) for the word “registrar” there is substituted “Authority”, and
 - (c) in subsection (1)(b) for the word “him”, both times it appears, there is substituted “the Authority”.
17. In section 40(1) the words “Chief Registrar with the consent of the” are omitted.
18. In section 41—
 - (a) in subsection (1)—
 - (i) for the word “registrar” in paragraph (b) there is substituted “Authority”, and
 - (ii) for the words “Chief Registrar may prescribe”, there is substituted “Authority may direct”,
 - (b) in subsection (3) for the word “registrar”, both times it appears, there is substituted “Authority”,
 - (c) in subsection (5)—
 - (i) for the words “Chief Registrar” there is substituted “Authority”, and
 - (ii) for the word “he” there is substituted “it”, and
 - (d) in subsection (6)—
 - (i) for the words “Chief Registrar” there is substituted “Authority”,
 - (ii) for the word “his” there is substituted “the Authority’s”, and
 - (iii) in paragraph (b) for the word “registrar” there is substituted “Authority”.
19. In section 42—
 - (a) in the side-note the words “of Chief Registrar” are omitted,
 - (b) in subsections (1) and (2) for the words “Chief Registrar” there is substituted “Treasury”,

(6) By virtue of paragraph 12 of Schedule 16 to the Friendly Societies Act 1992, sections 29 to 45 of the Friendly Societies Act 1974 do not have effect in relation to registered friendly societies and registered branches of such societies, but only in relation to other types of societies registered under the 1974 Act. Sections 30A, 32A and 39C were inserted, and sections 31 and 40 amended, by S.I.1996/1738.

- (c) in subsection (2)(a) and (b) for the word “registrar” there is substituted “Authority”,
 - (d) subsection (3) is omitted,
 - (e) in subsection (4)—
 - (i) for the words “Chief Registrar” there is substituted “Authority”,
 - (ii) for the word “he” there is substituted “the Authority”, and
 - (iii) in paragraphs (b)(i) and (b)(ii) for the word “registrar” there is substituted “Authority”, and
 - (f) in subsection (5)—
 - (i) for the words “Chief Registrar” there is substituted “Authority”, and
 - (ii) for the word “him” there is substituted “it”.
- 20.** In section 43(7)—
- (a) in subsections (1), (2) and (5) for the word “registrar” there is substituted “Authority”, and
 - (b) in subsection (6) for the words “Chief Registrar may prescribe”, there is substituted “Authority may direct”.
- 21.** In section 47(8)—
- (a) in subsection (1) for the words “Chief Registrar” there is substituted “Treasury”, and
 - (b) subsections (3) and (4) are omitted.
- 22.** In section 55(1) for the words “registered at the central office” there is substituted “which is registered by the Authority and the registered office of which is situated in England and Wales,”.
- 23.** Section 65(9) ceases to have effect.
- 24.** In section 65A(10)—
- (a) in subsection (7) for the words “registrar or the Commission” there is substituted “Authority”, and
 - (b) in subsection (8) for the word “Commission” there is substituted “Treasury”.
- 25.** In section 76(11)—
- (a) in subsection (1) for the words “subsection (3A)” there is substituted “subsections (3A) to (3C)”, and
 - (b) after subsection (3B) there is inserted—
 - “(3C) If the rules contain directions by virtue of which a dispute would fall to be determined by the Authority, the dispute shall instead be referred to the county court or, in Scotland, to the sheriff for determination.”.
- 26.** In section 81(1) for the words from “Chief Registrar” to the end there is substituted “Authority”.

(7) See note above about the restricted application of sections 29 to 45. Section 43 is modified by S.I. [1987/2132](#) and amended by S.I. [1996/1738](#).

(8) Securities prescribed under section 47(1) in relation to societies registered under the Friendly Societies Act 1974 are also prescribed in relation to industrial and provident societies, by virtue of section 11(1) of the Industrial and Provident Societies Act 1965 (c. 12), which is amended by paragraph 217 below.

(9) Section 65(1) was repealed by the Friendly Societies Act 1984 (c. 62), section 2(5)(c).

(10) Section 65A was inserted by the Friendly Societies Act 1992 (c. 40), Schedule 16 paragraph 23.

(11) Section 76 was amended by the Tribunals and Inquiries Act 1992 (c. 35), Schedule 3 paragraph 10, and by the Friendly Societies Act 1992, Schedule 16 paragraph 25 and Schedule 22 Part I.

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27. In section 82(5)(**12**) for the words from “Chief Registrar” to the end there is substituted “Authority”.

28. Section 83(**13**) ceases to have effect.

29. In section 84(**14**)—

(a) in subsection (2)—

(i) for the words “at the central office” there is substituted “by the Authority”,

(ii) for the words “central office”, the second time they appear, there is substituted “Authority”, and

(b) in subsection (3) for the words from “Chief Registrar” to the end there is substituted “Authority”.

30. In section 84A(6)(**15**) for the words from “Chief Registrar” to the end there is substituted “Authority”.

31. In section 85—

(a) in subsections (3) and (4) for the word “registrar” there is substituted “Authority”, and

(b) in subsection (4) for the word “he” there is substituted “it”.

32. In section 86(**16**)—

(a) in subsection (2) for the words “Chief Registrar” there is substituted “Treasury”,

(b) in subsection (3)—

(i) for the words “central office” there is substituted “Authority”, and

(ii) for the words “registered there” there is substituted “registered by it”, and

(c) in subsection (4)—

(i) for the words “central office” the first time they appear, there is substituted “Authority”, and

(ii) for the words “at the central office” there is substituted “by the Authority”.

33. In section 87(**17**) for the word “Commission”, where it appears in the side-note and both times it appears in subsection (1), there is substituted “Authority”.

34. In section 90(**18**)—

(a) for the words—

(i) from “Chief Registrar” to “for Scotland,” in subsection (1),

(ii) “Chief Registrar” in subsection (3), and

(iii) “Chief or assistant registrar” in subsections (4), (5) and (7),

there is substituted “Authority”, and

(b) in subsection (4) for the word “he” there is substituted “it”.

(12) Section 82(5) was amended by the Friendly Societies Act 1992, Schedule 22 Part 1.

(13) Section 83 was amended by the Arbitration Act 1996 (c. 23), Schedule 3 paragraph 29, and the Friendly Societies Act 1992, Schedule 16 paragraph 30.

(14) By virtue of paragraph 31 of Schedule 16 to the Friendly Societies Act 1992, section 84 does not apply to registered friendly societies (but only to other types of society registered under the 1974 Act).

(15) Section 84A was inserted by the Friendly Societies Act 1992, Schedule 16 paragraph 32.

(16) There are amendments to section 86 which are not relevant to this Order.

(17) Section 87 was substituted by the Friendly Societies Act 1992, Schedule 16 paragraph 34. Section 87(1) was extended by the Financial Services Act 1986 (c. 60), Schedule 11 paragraph 26(2).

(18) By virtue of paragraph 36 of Schedule 16 to the Friendly Societies Act 1992, section 90 does not apply to registered friendly societies (but only to other types of society registered under the 1974 Act).

35. In section 91(19)—

(a) for subsection (1) there is substituted—

“(1) Subject to the following provisions of this section, the Authority may by notice in writing cancel the registration of a society—

(a) at the request of the society, if the Authority thinks fit; or

(b) if the Authority is satisfied that—

(i) an acknowledgement of registration has been obtained by fraud or mistake;

(ii) the society exists for an unlawful purpose;

(iii) the society has wilfully and after notice from the Authority violated any provision of this Act;

(iv) the society has ceased to exist; or

(v) in the case of a society to which section 37(2) or (3) of the 1992 Act applies, the principal place of business of the society is outside the British Islands.

(1A) The request mentioned in subsection (1)(a) must be evidenced in such way as the Authority may direct.”,

(b) in subsection (2), for the words from “paragraph (b)” to “hand,” there is substituted “any of sub-paragraphs (i) to (iv) of subsection (1)(b) above in which the Authority might cancel the registration of a society, it may by notice in writing”,

(c) in subsection (3), for the words “Chief or assistant registrar before its” there is substituted “Authority before the society's”, and

(d) in subsection (5), for the words from “Chief” to “hand” there is substituted “Authority may by notice in writing”.

36. In section 92(2), for paragraphs (a) and (b) there is substituted “to the High Court or, in the case of a society whose registered office is situated in Scotland, to the Court of Session.”.

37. In section 93(1)(c)(20)—

(a) for the words “Chief Registrar” there is substituted “Authority”, and

(b) the words “of the Commission under” are omitted.

38. In section 94—

(a) in subsection (2)(d) for the words “Chief Registrar”, and

(b) in subsections (4) and (7) for the word “registrar”,

there is substituted “Authority”.

39. In section 95(21)—

(a) in subsection (1) for the words from “Chief Registrar”, the first time they appear, to “investigate”, there is substituted “Authority may appoint one or more competent persons to conduct an investigation on its behalf into”,

(b) for the words—

(i) “Chief Registrar”, wherever they appear in subsections (3) and (4), and

(19) Section 91 was amended by the Friendly Societies Act 1992, Schedule 16 paragraph 37, and by S.I. 1996/1669; subsections (1) and (2) were extended by the Financial Services Act 1986, Schedule 11 paragraph 26(2).

(20) Section 93(1) was amended by the Friendly Societies Act 1992, Schedule 16, paragraph 38 and by S.I. 1993/3084.

(21) By virtue of paragraph 39 of Schedule 16 to the Friendly Societies Act 1992, section 95 does not apply to registered friendly societies (but only to other types of society registered under the 1974 Act).

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- (ii) “central office” in subsection (6),
there is substituted “Authority”,
 - (c) for the word “he”, wherever it appears in subsections (3) and (4), there is substituted “it”,
 - (d) in subsection (4) for the word “his” there is substituted “its”, and
 - (e) subsection (5) is omitted.
- 40.** In section 95A(22)—
- (a) for the word “Commission”, wherever it appears in subsections (1) and (2), there is substituted “Authority”,
 - (b) subsection (3) is omitted, and
 - (c) in subsection (4) for the words from “Commission” to “office”, the second time it appears, there is substituted “Authority”.
- 41.** In section 97(1) and (2)(23), for the word “registrar” there is substituted “Authority”.
- 42.** In section 98(24)—
- (a) in subsection (1)(b), for the words “Chief or an assistant registrar” there is substituted “Authority”,
 - (b) in subsection (2) the words from “or to any” to the end are omitted,
 - (c) in subsection (7)—
 - (i) for the words from “Chief Registrar” to “procurator fiscal” there is substituted “Authority or by the Lord Advocate”, and
 - (ii) for the word “registrar”, the last time it last appears, there is substituted “Authority (or the Lord Advocate, as the case may be)”, and
 - (d) subsection (8) is omitted.
- 43.** In section 99(25)—
- (a) after subsection (4) there is inserted—
 - “(4A) In the application of subsection (4) above to Scotland, the word “summarily” is to be omitted.”, and
 - (b) in subsection (6)—
 - (i) the words “, and in the central registration area only by,” are omitted, and
 - (ii) for paragraph (c) there is substituted—
 - “(c) in any case, by any member of the society or branch authorised by the Authority; or
 - (d) except in Scotland, by the Authority;
- and (except in Scotland) no other person may institute such proceedings.”.
- 44.** In section 101—
- (a) in subsection (1) for the words “Chief Registrar or any assistant registrar” there is substituted “Authority”,
 - (b) at the end of subsection (1) there is inserted—

(22) Section 95A was inserted by the Friendly Societies Act 1992, Schedule 16 paragraph 39.

(23) Section 97(1) was amended by the Friendly Societies Act 1992, Schedule 16 paragraph 41.

(24) Relevant amendments to section 98 are made by the Friendly Societies Act 1992, Schedule 16 paragraph 42.

(25) Relevant amendments to section 99 will be made by the Financial Services and Markets Act 2000 (c. 8), Schedule 18 paragraph 4 and Schedule 22, once those provisions are brought into force.

- “(1A) In the application of subsection (1) to Scotland, the reference to the Authority is to be read as a reference to the Lord Advocate.”, and
- (c) in subsection (2) for the words “Chief or any assistant registrar” there is substituted “Authority”.
45. For section 104 there is substituted—

“104A Fees for inspection or copying of documents.

104A. Before the Authority allows any person to inspect any document held by it in connection with this Act, or provides any person with a copy of any such document (or part of such document), it may charge that person a reasonable fee.”.

46. In section 109—
- (a) in subsection (1)—
- (i) in paragraph (b) for the words “for registration” there is substituted “by the Authority for the registration of any society or document (including any amendment to any document) under this Act, the Industrial and Provident Societies Act 1965, the Building Societies Act 1986, or the Friendly Societies Act 1992, or otherwise for sealing any document for the purposes of this Act or any of those Acts”,
- (ii) in paragraph (c) for the word “registrar” there is substituted “Authority under this Act”, and
- (iii) in paragraph (d) for the word “registrar” there is substituted “Authority”,
- (b) in subsection (2)—
- (i) for the words “, the Secretary of State or the Chief Registrar” there is substituted “or the Secretary of State”, and
- (ii) the words “9 or” are omitted, and
- (c) subsection (3) is omitted.
47. In section 110(26)—
- (a) for subsections (1) and (2) there is substituted—
- “(1) Any document bearing the seal or stamp of the Authority shall be received in evidence without further proof.
- (2) Any document purporting to have been signed by a person authorised to do so on behalf of the Authority, and every document purporting to be signed by any inspector or public valuer under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.
- (2A) In subsections (1) and (2), “document” means any document issued, received or created by the Authority (or, as the case may be, by any inspector or public valuer under this Act) for the purposes of or in connection with this Act.”, and
- (b) in subsection (3)—
- (i) for the word “registrar”, both times it appears, there is substituted “Authority”, and
- (ii) for the words “the Chief Registrar may direct” there is substituted “it considers appropriate”.
48. In section 111(27)—

(26) Section 110(2) was amended by the Friendly Societies Act 1992, Schedule 16, paragraph 47.

(27) Relevant amendments to section 111 are made by the Friendly Societies Act 1992, Schedule 16 paragraph 48.

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- (a) in subsection (1)—
 - (i) after the definition of “annual return”, there is inserted—
 - ““the Authority” means the Financial Services Authority;”,
 - (ii) the definitions of “the central registration area”, “collecting society” and “Commission” are omitted,
 - (iii) in the definition of “Gazette” in paragraph (a) for the words “the central registration area” there is substituted “England and Wales, the Channel Islands or the Isle of Man”, and
 - (iv) in the definition of “Treasury regulations” the words “and approved” are omitted, and
- (b) for subsection (3) there is substituted—
 - “(3) Any reference in this Act to the seal of the Authority is a reference to the seal provided for in regulations made under section 109(1)(b) (and not to the Authority’s common seal).”.

49. In Schedule 2(**28**)—

- (a) in paragraph 3(2) for the words “approved group insurance business, as defined in section 65 of this Act”, there is substituted “group insurance business”,
- (b) in paragraph 7 for the word “registrar”, there is substituted “Authority”, and
- (c) in paragraph 15 for the words from “Chief Registrar” to “registrar for Scotland,” there is substituted “Authority”.

50. In Schedule 9(**29**), paragraph 22 is omitted.

(28) By virtue of paragraph 51(2) of Schedule 16 to the Friendly Societies Act 1992, paragraphs 7 and 15 of Schedule 2 do not apply to registered friendly societies (but only to other types of society registered under the 1974 Act). There are other amendments to Schedule 2 which are not relevant to this Order.

(29) Schedule 9 has been repealed in part but those repeals are not relevant to this Order.