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

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## SCHEDULES

### SCHEDULE 12

#### MEETINGS AND RESOLUTIONS

##### *Special resolutions*

- 7 (1) No resolution of a friendly society shall be passed as a special resolution unless—
- (a) it is required to be so passed by or under any provision of this Act or the 1974 Act or by the rules of the society;
  - (b) at least 14 day's notice, or such longer period as the rules may require, expiring—
    - (i) with the date of the meeting at which the resolution is to be moved; or
    - (ii) where proxy voting is permitted, with such earlier date as may be specified by the society, under its rules, as the final date for the receipt of [<sup>F1</sup>appointments of proxies] to vote at the meeting;is given to members in such manner as is prescribed by the rules; and
  - (c) any such notice (or, in the case of a postal ballot, the ballot papers [<sup>F2</sup>or, in the case of an electronic ballot, the section of the website on which in which the facility for registering a vote may be used]) includes a statement that the resolution will not be effective unless it is passed as a special resolution;
- and, in this Act, “special resolution” means a resolution so passed.
- (2) Subject to sub-paragraph (3) below, a resolution of a friendly society shall not be effective as a special resolution unless it is passed by not less than three-quarters of the number of the members of the society entitled to vote on it and voting either (in person or by proxy) on a poll at a meeting of the society or in a <sup>F3</sup>... ballot.
- (3) Where the rules of a friendly society provide for delegate voting, a resolution shall not be effective as a special resolution unless it is passed by not less than three quarters of the number of delegates entitled to vote on the resolution and voting on a poll at a meeting or in a <sup>F3</sup>... ballot.
- (4) Where the rules of a friendly society do not provide for the giving of individual notices to those entitled (when the notice is given) to vote on special resolutions of any description, the rules may provide for the giving of notice by advertisement.
- (5) If the rules provide for the giving of notice of any special resolutions by advertisement, the rules must include provision requiring the necessary advertisements to be inserted—
- (a) in at least one newspaper circulating in the areas in which the members of the society reside; or
  - (b) where the membership of the society is drawn from a professional body or wholly or mainly from persons who are or have been engaged in a particular trade, profession or vocation, in an appropriate professional journal,

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as the rules may provide.

- (6) Proxy voting shall be permitted (notwithstanding anything to the contrary in a society's rules) on any resolution which is to be moved as a special resolution at any meeting of a friendly society other than a meeting of delegates; and the procedure adopted by the society for such proxy voting shall comply with any requirements prescribed in regulations by the [<sup>F4</sup>Treasury].

#### Textual Amendments

- F1** Words in Sch. 12 para. 7(1)(b)(ii) substituted (12.4.2011) by [The Mutual Societies \(Electronic Communications\) Order 2011 \(S.I. 2011/593\)](#), arts. 1(1), **21(1)(b)**
- F2** Words in Sch. 12 para. 7(1)(c) inserted (12.4.2011) by [The Mutual Societies \(Electronic Communications\) Order 2011 \(S.I. 2011/593\)](#), arts. 1(1), **21(3)**
- F3** Word in Sch. 12 para. 7(2)(3) omitted (12.4.2011) by virtue of [The Mutual Societies \(Electronic Communications\) Order 2011 \(S.I. 2011/593\)](#), arts. 1(1), **21(2)(c)**
- F4** Word in Sch. 12 para. 7(6) substituted (17.8.2001 for specified purposes and otherwise 1.12.2001) by [S.I. 2001/2617](#), art. 2, 8(1), 13(1), **Sch. 3 para. 125(b)** (with art. 13(3), Sch. 5); [S.I. 2001/3538](#), **art. 2(1)**

#### Modifications etc. (not altering text)

- C1** [Sch. 12 para. 7\(6\)](#): Functions of the Friendly Societies Commission transferred (1.12.2001) to the Treasury by [S.I. 2001/2617](#), arts. 2, 4(1), **Sch. 1 Pt. II** (with art. 5); [S.I. 2001/3538](#), **art. 2(1)**

#### Commencement Information

- I1** [Sch. 12 para. 7](#) wholly in force; [Sch. 12 para. 7](#) not in force at Royal Assent see [s. 126\(2\)](#); [Sch. 12 para. 7](#) in force for certain purposes at 13.1.1993 by [S.I. 1993/16](#), art. 2, **Sch. 1**; [Sch. 12 para. 7](#) in force for all remaining purposes at 13.9.1993 by [S.I. 1993/2213](#), art. 2(1), **Sch. 2**

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