
STATUTORY INSTRUMENTS

1993 No. 16

**The Friendly Societies Act 1992 (Commencement
No. 3 and Transitional Provisions) Order 1993**

Citation and interpretation

1.—(1) This Order may be cited as the Friendly Societies Act 1992 (Commencement No. 3 and Transitional Provisions) Order 1993.

(2) In this Order—

“the 1974 Act” means the Friendly Societies Act 1974⁽¹⁾;

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

“assistant registrar” means an assistant registrar of friendly societies;

“Chief Registrar” means the Chief Registrar of friendly societies;

“Commission” means the Friendly Societies Commission established under section 1 of the 1992 Act;

“collecting society” has the meaning given to that term in section 1(1A) of the Industrial Assurance Act 1923⁽²⁾;

“registered friendly society or branch” means a friendly society or branch registered under the 1974 Act;

“registered society or branch” means a society or branch registered under the 1974 Act;

“registrar” has the meaning given to that term in section 111(3) of the 1974 Act.

Days appointed

2. The provisions of the 1992 Act specified in column 1 of each of Schedules 1 and 4 to this Order (which relate to the matters mentioned in column 2 of each Schedule) shall come into force for the purposes described in column 3 of each Schedule on the date specified in relation to the relevant Schedule in the following table and the provisions of the 1992 Act specified in column 1 of each of Schedules 2 and 3 to this Order (which relate to the matters mentioned in column 2 of each Schedule) shall come into force generally on the date specified in relation to the relevant Schedule in the following table—

Schedule 1	13th January 1993
Schedule 2	13th January 1993
Schedule 3	1st February 1993
Schedule 4	1st February 1993

⁽¹⁾ 1974 c. 46.

⁽²⁾ 13 and 14 Geo.5 c.8; section 1(1A) was inserted by sections 97 and 99 of, and Part II of Schedule 6 to the Companies Act 1967 (c. 81).

Transitional provisions

3. Where a dispute between a registered friendly society or branch and the persons or branches described in section 76(1) of the 1974 Act is referred for decision under the rules of the society or branch before 13th January 1993 then notwithstanding the amendment of section 76 of the 1974 Act by the 1992 Act the dispute shall be determined and the decision shall have effect as provided in section 76(1) and where applicable section 76(3) and shall be enforced in accordance with section 76(2) and (5) as those provisions have effect before 13th January 1993.

4. Where a dispute between a registered society or branch other than a registered friendly society or branch and the persons or branches described in section 76(1) of the 1974 Act is referred for decision under the rules of the society or branch before 13th January 1993 and section 76(3) is applicable, the dispute shall be determined as provided in section 76(3) notwithstanding the substitution of subsection (3A) for subsection (3) of section 76 of the 1974 Act by the 1992 Act.

5. Where a dispute between a registered society or branch and the persons or branches described in section 76(1) of the 1974 Act is referred under section 77 of the 1974 Act to the Chief Registrar or, in Scotland, to the assistant registrar, before 13th January 1993 it shall be heard, determined and enforced by that person as provided in section 77 of the 1974 Act notwithstanding the repeal of section 77 by the 1992 Act.

6. Until the expiry of the transitional period defined in section 93(14) of the 1992 Act, where the rules of a registered friendly society or branch do not provide for the determination of the disputes described in section 80(1) of the 1992 Act by arbitration, they shall be determined instead by a reference to the county court or, in Scotland, to the sheriff.

7. Where a dispute described in section 60(1) of the Industrial and Provident Societies Act 1965(3) is referred under section 60(2) to the Chief Registrar, or in Scotland, to the assistant registrar, before 13th January 1993 it shall be heard and determined by that person notwithstanding the substitution of a new subsection for section 60(2) of that Act by the 1992 Act.

8. Where a dispute described in section 32(1) of the Industrial Assurance Act 1923 is referred to the Commissioner under that section before 13th January 1993 it shall be dealt with by the Commissioner as therein provided notwithstanding the repeal of section 32 of that Act by the 1992 Act.

9. A collecting society incorporated under section 6 of the 1992 Act shall send returns for the years 1992 and 1993 to the Industrial Assurance Commissioner as prescribed in the Industrial Assurance (Collecting Society Returns) Regulations 1968(4) made under section 13(1) of the Industrial Assurance and Friendly Societies Act 1948(5) notwithstanding the amendment of section 13(1) of that Act by the 1992 Act.

10. Where not less than one year's premiums are paid before 1st February 1993 under a policy to which section 75 of the 1974 Act applies, the owner of the policy shall be entitled at any time within one year from the date on which the last premium was paid to surrender the policy and claim the policy or the payment described in section 75(1) notwithstanding the repeal of section 75 of the 1974 Act by the 1992 Act.

11. Where an instrument of dissolution of a registered society or branch consented to as described in section 93(1)(b) of the 1974 Act as it has effect before 1st February 1993 is received by the registrar before 1st September 1993 it shall be treated for all purposes as a valid instrument of dissolution notwithstanding the amendment of section 93(1)(b) of the 1974 Act by the 1992 Act.

(3) 1965 c. 12.

(4) S.I.1968/1585.

(5) 11 and 12 Geo.6 c.39.

Tim Wood

Norman Lamont
Two of the Lords Commissioners of Her
Majesty's Treasury

4th January 1993