
STATUTORY INSTRUMENTS

2017 No. 906

FRIENDLY SOCIETIES, NORTHERN IRELAND

The Friendly Societies Act 1992 (Modification
of Part 2) (Northern Ireland) Order 2017

<i>Made</i>	- - - -	<i>11th September 2017</i>
<i>Laid before Parliament</i>		<i>12th September 2017</i>
<i>Coming into force</i>	- -	<i>3rd October 2017</i>

Part 12 of the Insolvency (Northern Ireland) Order 1989⁽¹⁾ has been modified by the Insolvency (Amendment) Act (Northern Ireland) 2016⁽²⁾.

For the purpose of assimilating the law relating to the winding up of friendly societies in Northern Ireland to the law relating to the winding up of companies in Northern Ireland as so modified, it appears to the Treasury to be expedient to modify so much of Part 2 of the Friendly Societies Act 1992⁽³⁾ as relates to winding up in Northern Ireland.

The Treasury think it is appropriate for that purpose to make the modifications contained in article 2, and, accordingly, make this Order in exercise of the power conferred by section 102(1), (2)(a) and (5) of the Friendly Societies Act 1992.

Citation and commencement

1. This Order may be cited as the Friendly Societies Act 1992 (Modification of Part 2) (Northern Ireland) Order 2017, and comes into force on 3rd October 2017.

Modification of Part 2 of the Friendly Societies Act 1992

2. In Schedule 10 to the Friendly Societies Act 1992 (application of companies winding up legislation to incorporated friendly societies), in Part 3 (modified application of Insolvency (Northern Ireland) Order 1989) after paragraph 66 insert—

(1) S.I. 1989/2405 (N.I. 19).
(2) 2016 c. 2.
(3) 1992 c. 40.

“Insolvency practitioners: their qualification and regulation

66A. Article 349 of the Order (persons not qualified to act as insolvency practitioners) has effect as if for paragraph (2)(4) there were substituted—

“(2) A person is not qualified to act as an insolvency practitioner in relation to an incorporated friendly society at any time unless at that time the person is fully authorised to act as an insolvency practitioner or partially authorised to act as an insolvency practitioner only in relation to companies.”.

66B.—(1) In the following provisions of the Order, in a reference to authorisation or permission to act as an insolvency practitioner in relation to (or only in relation to) companies the reference to companies has effect without the modification in paragraph 3(1)(a) above—

- (a) Articles 349A and 349B(1) and (3)(5) (authorisation of insolvency practitioners); and
- (b) Articles 350O(1)(b) and 350R(3)(b) (court sanction of insolvency practitioners in public interest cases).

(2) In Articles 350Q(2)(b) (direct sanctions order: conditions) and 350S(3)(e) (power for Department to obtain information) of the Order the reference to a company has effect without the modification in paragraph 3(1)(a) above.”.

*David Evennett
Heather Wheeler*

Two of the Lords Commissioners of Her Majesty’s Treasury

11th September 2017

(4) Paragraph (2) is substituted by the Insolvency (Amendment) Act (Northern Ireland) 2016, section 14(1) and (2).
(5) Articles 349A and 349B were inserted by the Insolvency (Amendment) Act (Northern Ireland) 2016, section 14(1) and (3). Articles 350O, 350Q and 350R were inserted by section 18 of that Act, and Article 350S was inserted by section 19 of that Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Friendly Societies Act 1992 (c. 40) in consequence of certain provisions of the Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2) (“the 2016 Act”) which amend the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)). The relevant provisions are sections 14 to 20 of the 2016 Act (authorisation and regulation of insolvency practitioners: amendments to existing regime), which came into force on 1st April 2016.

An impact assessment has not been produced for this instrument as no impact on the costs of business or the voluntary sector is foreseen.