

SCHEDULES

SCHEDULE 10

APPLICATION OF COMPANIES WINDING UP LEGISLATION TO INCORPORATED FRIENDLY SOCIETIES

PART I

GENERAL MODE OF APPLICATION

- 1 The enactments which comprise the companies winding up legislation (referred to in this Schedule as “the enactments”) are the provisions of—
- (a) Parts IV, VI, VII, XII and XIII of the ^{M1}Insolvency Act 1986, or
 - (b) Parts V, VI, XI and XII of the ^{M2}Insolvency (Northern Ireland) Order 1989, and, in so far as they relate to offences under any such enactment, sections 430 and 432 of, and Schedule 10 to, that Act or Article 373 of, and Schedule 7 to, that Order.

Marginal Citations

M1 1986 c. 45.

M2 S.I. 1989/2405 (N.I.19).

- 2 Subject to the following provisions of this Schedule, the enactments apply to the winding up of incorporated friendly societies as they apply to the winding up of companies registered under [^{F1}the Companies Act 2006].

Textual Amendments

F1 Words in Sch. 10 para. 2 substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), Sch. 1 para. 133(7)(a) (with art. 10)

- 3 (1) Subject to the following provisions of this Schedule, the enactments shall, in their application to incorporated friendly societies, have effect with the substitution—
- (a) for “company” of “incorporated friendly society”;
 - (b) for “directors” of “committee of management”;
 - (c) for “the registrar of companies” or “the registrar” of “the [^{F2}Financial Conduct Authority]”; and
 - (d) for “the articles” of “the rules”.
- (2) Subject to the following provisions of this Schedule in the application of the enactments to incorporated friendly societies—

Changes to legislation: There are currently no known outstanding effects for the Friendly Societies Act 1992, Part I. (See end of Document for details)

- [^{F3}(aa) every reference to a company registered in Scotland shall have effect as a reference to an incorporated friendly society whose registered office is situated in Scotland;]
- (a) every reference to the officers, or to a particular officer, of a company shall have effect as a reference to the officers, or to the corresponding officer, of the incorporated friendly society and as including a person holding himself out as such an officer;
- (b) every reference to a director of a company shall be construed as a reference to a member of the committee of management; and
- (c) every reference to an administrator, an administration order, an administrative receiver, a shadow director or a voluntary arrangement shall be omitted.

Textual Amendments

- F2** Words in Sch. 10 para. 3(1)(c) substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), [Sch. 9 para. 53\(2\)](#) (with Sch. 12)
- F3** Sch. 10 para. 3(2)(aa) inserted (17.8.2001 for specified purposes and otherwise 1.12.2001) by [S.I. 2001/2617](#), arts. 2, 8(1), 13(1), [Sch. 3 para. 123\(b\)](#) (with art. 13(3), Sch. 5); [S.I. 2001/3538](#), [art. 2\(1\)](#)

- 4 (1) Where any of the enactments as applied to incorporated friendly societies requires a notice or other document to be sent to the [^{F4}FCA], it shall have effect as if it required the [^{F4}FCA] to keep the notice or document in the public file of the society and to record in that file the date on which the notice or document is placed in it.
- (2) Where any of the enactments, as so applied, refers to the registration, or to the date of registration, of such a notice or document, that enactment shall have effect as if it referred to the placing of the notice or document in the public file or (as the case may be) to the date on which it was placed there.

Textual Amendments

- F4** Word in Sch. 10 para. 4(1) substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), [Sch. 9 para. 53\(3\)](#) (with Sch. 12)

- 5 Any enactment which specifies a sum altered by order under section 416 of the ^{M3}Insolvency Act 1986 or Article 362 of the ^{M4}Insolvency (Northern Ireland) Order 1989 (powers to alter monetary limits) applies with the effect of the alteration.

Marginal Citations

- M3** 1986 c. 45.
M4 S.I. 1989/2405 (N.I.19).

Changes to legislation:

There are currently no known outstanding effects for the Friendly Societies Act 1992, Part I.