

SCHEDULES

SCHEDULE 21

Section 120.

AMENDMENTS

PART I

AMENDMENTS OF ENACTMENTS

Loan Societies Act 1840

- 1 The duty of the Chief Registrar to lay before Parliament the documents mentioned in section 27 of the Loan Societies Act 1840 (accounts etc of loan societies) is abolished.

National Savings Bank Act 1971

- 2 In sections 10 (disputes) and 11 (fees on reference of disputes) of the National Savings Bank Act 1971 for the word “Registrar”, in each place where it occurs, there shall be substituted the word “adjudicator”.

- 3 In section 27 of that Act for the definition beginning “the Registrar” there shall be substituted—

““the adjudicator” means the adjudicator appointed under section 84 of the Friendly Societies Act 1992”.

National Debt Act 1972

- 4 For section 5 of the National Debt Act 1972 there shall be substituted the following section—

“5 Settlement of disputes as to holdings on the register

- (1) If a dispute arises between the Director of Savings and the holder of any stock registered in the register or a person claiming to be entitled to any such stock, the matter in dispute shall be referred in writing to a person (“the adjudicator”) appointed under section 84 of the Friendly Societies Act 1992.
- (2) On a reference under the foregoing subsection the adjudicator may proceed ex parte on notice in writing sent by post to the Director of Savings, and may inspect the register and may administer oaths to any witnesses appearing before him, and his award on the matter in dispute shall be final and binding on all parties.”

Status: This is the original version (as it was originally enacted).

Solicitors Act 1974

- 5 (1) Section 23 of the Solicitors Act 1974 (preparation of papers for probate etc. by unqualified persons) shall be amended as follows.
- (2) In subsection (2), after paragraph (h) there shall be inserted the following paragraph—
- “(i) a jointly controlled body or subsidiary—
- (i) whose business, or any part of whose business, consists of acting as trustee or executor; and
- (ii) which satisfies those conditions.”
- (3) After subsection (2A) there shall be inserted the following subsection—
- “(2B) In subsection (2)(i) “jointly controlled body” and “subsidiary” have the meanings given by section 13 of the Friendly Societies Act 1992.”

Insurance Companies Act 1982

- 6 (1) In section 49 of the Insurance Companies Act 1982, (sanction of court for transfer of long term business) at the beginning of subsection (1) there shall be inserted “Subject to section 49A below”.
- (2) After that section there shall be inserted the following section—

“49A Transfer of long term business to friendly society

- (1) Section 49 above applies, with the following adaptations, to a transfer of business to an incorporated friendly society or registered friendly society authorised under Part IV of the Friendly Societies Act 1992.
- (2) In subsection (3)(c) (service of documents), after the words “the Secretary of State” there shall be inserted the words “and on the Friendly Societies Commission”.
- (3) In subsection (5) (persons entitled to be heard on petition), in paragraph (a) after the words “the Secretary of State” there shall be inserted the words “and the Friendly Societies Commission”.
- (4) In subsection (6) (requirement that transferee company be authorised to carry on long term business), for the words “authorised under section 3 or 4 above” there shall be substituted the words “authorised under Part IV of the Friendly Societies Act 1992.””

Companies Act 1985

- 7 (1) In section 449 of the Companies Act 1985 (provision for security of information obtained), in subsection (1), after paragraph (dd) there shall be inserted the following paragraphs—
- “(de) for the purpose of enabling or assisting the Chief Registrar of friendly societies or the Assistant Registrar of friendly societies for Scotland to discharge his functions under the enactments relating to friendly societies;

Status: This is the original version (as it was originally enacted).

(df) for the purpose of enabling or assisting the Friendly Societies Commission to discharge its functions under the Financial Services Act 1986.”

(2) In subsection (3) of that section, after paragraph (j) there shall be inserted the following paragraph—

“(jj) the Friendly Societies Commission”.

Company Directors Disqualification Act 1986

8 After section 22A of the Company Directors Disqualification Act 1986 (application of Act to building societies) there shall be inserted the following section—

“22B Application of Act to incorporated friendly societies

- (1) This Act applies to incorporated friendly societies as it applies to companies.
- (2) References in this Act to a company, or to a director or an officer of a company include, respectively, references to an incorporated friendly society within the meaning of the Friendly Societies Act 1992 or to a member of the committee of management or officer, within the meaning of that Act, of an incorporated friendly society.
- (3) In relation to an incorporated friendly society every reference to a shadow director shall be omitted.
- (4) In the application of Schedule 1 to the members of the committee of management of an incorporated friendly society, references to provisions of the Insolvency Act or the Companies Act include references to the corresponding provisions of the Friendly Societies Act 1992.”

Banking Act 1987

9 In section 84(1) of the Banking Act 1987 (disclosure of information obtained under that Act), in the Table showing the authorities to which, and functions for the purposes of which, disclosure may be made, after the entry beginning “The Chief Registrar of friendly societies” there shall be inserted the following entry—

“The Friendly Societies Commission.	Functions under the enactments relating to friendly societies or under the Financial Services Act 1986.”
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Income and Corporation Taxes Act 1988

10 In section 461 of the Income and Corporation Taxes Act 1988 (taxation in respect of other business),—

- (a) in subsections (6) to (8) for the words “the registrar”, “he” and “him” wherever occurring there shall be substituted “the Commission”; and
- (b) after subsection (8) there shall be inserted the following subsection—

“(8A) In this section “the Commission” means the Friendly Societies Commission.”

Status: This is the original version (as it was originally enacted).

Companies Act 1989

- 11 In section 87 of the Companies Act 1989 (disclosure of information obtained under that Act), in subsection (4), in the Table showing the authorities to which, and functions for the purposes of which, disclosure may be made after the entry beginning “The Chief Registrar of friendly societies” there shall be inserted the following entry—

“The Friendly Societies Commission.	Functions under the enactments relating to friendly societies or under the Financial Services Act 1986.”
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Tribunals and Inquiries Act 1992

- 12 The Tribunals and Inquiries Act 1992 shall be amended as follows.
- 13 In section 7(2) (which excludes certain tribunals from the application of that section), after “18,” there shall be inserted “21A.”
- 14 (1) In section 8, at the end of subsection (2) (procedural rules for tribunals) there shall be added the words “or
- (c) regulations under section 60 of the Friendly Societies Act 1992 (regulations with respect to appeals under section 58 of that Act)”.
- (2) In subsection (3) of that section—
- (a) after “1987” there shall be inserted “or section 60 of the Friendly Societies Act 1992”; and
- (b) for the words “that section” there shall be substituted “either of those sections”.
- 15 In Schedule 1, after paragraph 21 (tribunals under general supervision of Council) there shall be inserted—

“Friendly Societies	21A. An appeal tribunal constituted under section 58 of the Friendly Societies Act 1992.”
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- 16 After paragraph 33 of that Schedule there shall be inserted the following paragraph—

“National Savings Bank and National Savings Stock Register	33A. An adjudicator appointed under section 84 of the Friendly Societies Act 1992.”
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Trade Union and Labour Relations (Consolidation) Act 1992

- 17 In section 19 of the Trade Union and Labour Relations (Consolidation) Act 1992 (application to trade unions of certain provisions relating to the insurance of children’s lives by industrial assurance companies), for subsection (1) there shall be substituted the following subsection—

“(1) Section 99 of the Friendly Societies Act 1992 (insurance of lives of children under 10) applies to a trade union as to an industrial assurance company.”

Status: This is the original version (as it was originally enacted).

Social Security Contributions and Benefits (Northern Ireland) Act 1992

- 18 In section 171(2) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, after “157” there shall be inserted the words “and regulations made by the Chief Registrar of friendly societies under paragraph 10(2) of Schedule 1 to this Act.”
- 19 (1) In Schedule 1 to that Act, in paragraph 10(2)—
- (a) for the words “Friendly Societies Act (Northern Ireland) 1970” there shall be substituted “Friendly Societies Act 1974”; and
 - (b) for the words “Registrar of Friendly Societies for Northern Ireland” there shall be substituted “Chief Registrar of Friendly Societies”.
- (2) In that Schedule, in paragraph 10 for sub-paragraph (3) there shall be substituted the following sub-paragraph—
- “(3) The power conferred by sub-paragraph (2) above on the Chief Registrar of Friendly Societies to make regulations shall be exercisable by statutory instrument, and—
- (a) the Statutory Instruments Act 1946 shall apply to that power as if the Chief Registrar were a Minister of the Crown, and
 - (b) section 171(3) to (5) above shall apply to those regulations as they apply to regulations made by the Department.”

PART II

AMENDMENTS OF NORTHERN IRELAND LEGISLATION

Parliamentary Commissioner Act (Northern Ireland) 1969

- 20 In Schedule 1 to the Parliamentary Commissioner Act (Northern Ireland) 1969, in Note 1, for the words “Registry of Friendly Societies” there shall be substituted “Registry of Credit Unions”.

Industrial and Provident Societies Act (Northern Ireland) 1969

- 21 In section 101(1) of the Industrial and Provident Societies Act (Northern Ireland) Act 1969, in the definition of “registrar”, for the words “friendly societies” there shall be substituted “credit unions”.

Social Security Pensions (Northern Ireland) Order 1975

- 22 In Article 67(1) of the Social Security Pensions (Northern Ireland) Order 1975 for the words “Registrar of Friendly Societies for Northern Ireland” there shall be substituted “Chief Registrar of Friendly Societies”.
- 23 In Article 67(4) of that Order for the words “Friendly Societies Act (Northern Ireland) 1970” there shall be substituted “Friendly Societies Act 1974”.

Statutory Rules (Northern Ireland) Order 1979

- 24 In Article 7(5) of the Statutory Rules (Northern Ireland) Order 1979 for the words “Friendly Societies” there shall be substituted “Credit Unions”.

Status: This is the original version (as it was originally enacted).

- 25 In Part I of Schedule 1 to that Order, for the words “The Registrar of Friendly Societies for Northern Ireland” there shall be substituted “The Registrar of Credit Unions for Northern Ireland”.

Housing (Northern Ireland) Order 1981

- 26 In Article 114 of the Housing (Northern Ireland) Order 1981, in the definition of “registrar”, for the words “of Friendly Societies for Northern Ireland” there shall be substituted “for the purposes of the Act of 1969”.

Property (Discharge of Mortgage by Receipt)(Northern Ireland) Order 1983

- 27 In Article 3(10) of the Property (Discharge of Mortgage by Receipt)(Northern Ireland) Order 1983 for the words “section 48 of the Friendly Societies Act (Northern Ireland) 1970” there shall be substituted “section 57A of the Friendly Societies Act 1974”.

Credit Unions (Northern Ireland) Order 1985

- 28 In Article 2(2) of the Credit Unions (Northern Ireland) Order 1985 for the definition of “registrar” there shall be substituted—

““registrar” has the meaning assigned to it by Article 2A;”.

- 29 After Article 2 there shall be inserted the following Article—

The registrar and assistant registrar

“2A (1) The person appointed by the Head of the Department to perform in Northern Ireland the functions of registrar under this Order shall be known as the Registrar of Credit Unions for Northern Ireland (in this Order referred to as “the registrar”).

(2) A person appointed by the Department to assist the registrar shall be known as the Assistant Registrar of Credit Unions for Northern Ireland (in this Order referred to as “the assistant registrar”).

(3) Anything which is required or authorised to be done by or to the registrar under this Order may be done by or to the assistant registrar.”

Companies (Northern Ireland) Order 1986

- 30 (1) In Article 442 of the Companies (Northern Ireland) Order 1986, in paragraph (1), after sub-paragraph (dd) there shall be inserted the following sub-paragraphs—

“(de) for the purpose of enabling or assisting the Chief Registrar of friendly societies or the Assistant Registrar of friendly societies for Scotland to discharge their functions under the enactments relating to friendly societies;

“(df) for the purpose of enabling or assisting the Friendly Societies Commission to discharge its functions under the Financial Services Act 1986.”

- (2) In paragraph (3) of that Article, after sub-paragraph (j) there shall be inserted the following sub-paragraph—

“(j) the Friendly Societies Commission”.

Companies (Northern Ireland) Order 1989

31 After Article 2 of the Companies (Northern Ireland) Order 1989 there shall be inserted the following Article—

Application of Order to incorporated friendly societies

“2A (1) This Order applies to incorporated friendly societies as it applies to companies.

(2) References in this Order to a company, or to a director or an officer of a company include, respectively, references to an incorporated friendly society within the meaning of the Friendly Societies Act 1992 or to a member of the committee of management or officer, within the meaning of that Act, of an incorporated friendly society.

(3) In relation to an incorporated friendly society every reference to a shadow director shall be omitted.

(4) In the application of Schedule 1 to the members of the committee of management of an incorporated friendly society, references to provisions of the Insolvency Order or the Companies Order include references to the corresponding provisions of the Friendly Societies Act 1992.”