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

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## SCHEDULES

### SCHEDULE 3

#### ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF INCORPORATED FRIENDLY SOCIETIES

##### *Requirements for establishment and incorporation*

- 1 (1) Any 7 or more persons may establish a society under this Act by taking the following steps—
- (a) agreeing upon the purposes of the society and upon the extent of its powers in a memorandum the provisions of which comply with the requirements of this Schedule;
  - (b) agreeing upon rules for the regulation of the society which comply with the requirements of this Schedule; and
  - (c) sending to the [F<sup>1</sup>FCA] 3 copies of the memorandum and the rules, each copy signed by at least 7 of those persons (or, if there are only 7, by all of them) and (unless the secretary is to be elected) by the intended secretary.
- (2) Where two or more friendly societies propose to amalgamate under section 85 above, they shall establish their successor society by—
- (a) agreeing upon the purposes of their successor and upon the extent of its powers in a memorandum the provisions of which comply with the requirements of this Schedule;
  - (b) agreeing upon rules for the regulation of their successor which comply with the requirements of this Schedule;
  - (c) each approving the memorandum and the rules by special resolution; and
  - (d) sending to the [F<sup>1</sup>FCA] 3 copies of the rules and of the memorandum, each copy signed by the secretary of each of the societies participating in the amalgamation.
- (3) Where copies of the memorandum and the rules are sent to the [F<sup>1</sup>FCA] in accordance with sub-paragraph (1)(c) or (2)(d) above, the [F<sup>1</sup>FCA], if satisfied that—
- (a) the memorandum and the rules are in conformity with this Act; and
  - (b) the intended name of the society is not, in its opinion, undesirable,
- shall register the society and issue it with a certificate of incorporation.
- (4) The [F<sup>1</sup>FCA] shall not register a society as the successor society to any friendly societies proposing to amalgamate unless [F<sup>2</sup>the appropriate authority]<sup>F3</sup>. . . has confirmed the proposed amalgamation under section 85 above.
- [F<sup>4</sup>(5) The [F<sup>1</sup>FCA] shall not register a society which, if it were registered <sup>F5</sup>. . ., would be a society to which section 37(2) or (3) above applies if the [F<sup>1</sup>FCA] is satisfied that the principal place of business of the society is to be situated outside the United Kingdom; <sup>F5</sup>. . .]

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### Textual Amendments

- F1** Word in Sch. 3 substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 51(2)** (with Sch. 12)
- F2** Words in Sch. 3 para. 1(4) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 51(3)** (with Sch. 12)
- F3** Words in Sch. 3 para. 1(4) repealed (1.12.2001) by S.I. 2001/2617, art. 2(b), 13(2), **Sch. 4** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F4** Sch. 3 para. 1(5) inserted (18.7.1996) by S.I. 1996/1669, **reg. 14(2)**
- F5** Words in Sch. 3 para. 1(5) repealed (1.12.2001) by S.I. 2001/2617, art. 2(b), 13(2), **Sch. 4** (with art. 13(2), Sch. 5); S.I. 2001/3538, **art. 2(1)**

### Commencement Information

- II** Sch. 3 para. 1 wholly in force; Sch. 3 para. 1 not in force at Royal Assent see s. 126(2); Sch. 3 para. 1 in force at 1.2.1993 by S.I. 1993/16, art. 2, **Sch. 3**

- 2 (1) A registered friendly society may be incorporated under this Act only if the following steps are taken—
- (a) the proposal to apply for incorporation is submitted to the members of the society for their consent by the procedure required for a proposal to amend the rules (or, in the case of a society with branches, the general rules) of the society;
  - (b) consent to the application is given in accordance with that procedure;
  - (c) the society agrees, in accordance with that procedure—
    - (i) upon the purposes of the society after incorporation, and upon the extent of its powers, in a memorandum the provisions of which comply with the requirements of this Schedule; and
    - (ii) upon rules for the regulation of the society after incorporation which comply with the requirements of this Schedule; and
  - (d) there are sent to the <sup>F1</sup>FCA—
    - (i) 3 copies of the memorandum and the rules, each signed by at least 7 members and by the secretary of the society; and
    - (ii) a statutory declaration by the secretary that the steps mentioned in paragraphs (a) and (b) above were taken.
- (2) Where copies of the memorandum, the rules and the statutory declaration are sent to the <sup>F1</sup>FCA in accordance with paragraph (c) of sub-paragraph (1) above, the <sup>F1</sup>FCA, if satisfied that—
- (a) the steps mentioned in sub-paragraph (1)(a) and (b) were taken;
  - (b) the provisions of the memorandum and the rules are in conformity with this Act; <sup>F6</sup> . . .
  - (c) the name proposed for the society after incorporation is not, in its opinion, undesirable,
- shall register the society and issue it with a certificate of incorporation.
- <sup>F6</sup> <sup>F7</sup> and
- (d) in the case of a society to which section 37(2) or (3) above applies, the principal place of business of the society is situated in the United Kingdom.]

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**Textual Amendments**

- F1** Word in Sch. 3 substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 51(2)** (with Sch. 12)
- F6** Word in Sch. 3 para. 2(2)(b) omitted (18.7.1996) by virtue of S.I. 1996/1669, **reg. 14(3)**
- F7** Sch. 3 para. 2(2)(d) and the word “and” immediately preceding it inserted (18.7.1996) by S.I. 1996/1669, **reg. 14(3)**
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**Commencement Information**

- I2** Sch. 3 para. 2 wholly in force; Sch. 3 para. 2 not in force at Royal Assent see s. 126(2); Sch. 3 para. 2 in force at 1.2.1993 by S.I. 1993/16, art. 2, **Sch. 3**

- 3 On registering a society under paragraph 1 or 2 above, the [<sup>F1</sup>FCA] shall—
- (a) retain and register one copy of the memorandum and of the rules;
  - (b) return another copy to the secretary of the society, together with a certificate of registration; and
  - (c) keep another copy, a copy of the certificate of incorporation and a copy of the certificate of registration of the memorandum and the rules, in the public file of the society.

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**Textual Amendments**

- F1** Word in Sch. 3 substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 9 para. 51(2)** (with Sch. 12)
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**Commencement Information**

- I3** Sch. 3 para. 3 wholly in force; Sch. 3 para. 3 not in force at Royal Assent see s. 126(2); Sch. 3 para. 3 in force at 1.2.1993 by S.I. 1993/16, art. 2, **Sch. 3**

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