



# Friendly Societies Act 1992

## 1992 CHAPTER 40

### PART II

#### INCORPORATED FRIENDLY SOCIETIES

##### *Dissolution and winding up*

#### 26 Cancellation of registration.

- (1) Where the [F<sup>1</sup>FCA] is satisfied that an incorporated friendly society has been dissolved under section 20 above or following a winding up, the [F<sup>2</sup>it] shall cancel the society's registration under this Act.
  - (2) Where the [F<sup>1</sup>FCA] is satisfied, with respect to an incorporated friendly society—
    - (a) that a certificate of incorporation has been obtained for the society by fraud or mistake; or
    - (b) that the society has ceased to exist,  
[F<sup>3</sup>or
    - (c) in the case of a society to which section 37(2) or (3) below applies, that the principal place of business of the society is outside the United Kingdom,]  
[F<sup>4</sup>it] may cancel the registration of the society.
  - (3) Without prejudice to subsection (2) above, the [F<sup>1</sup>FCA] may, if it thinks fit, cancel the registration of an incorporated friendly society at the request of the society, evidenced in such manner as the [F<sup>1</sup>FCA] may direct.
  - (4) Before cancelling the registration of an incorporated friendly society under subsection (2) above, the [F<sup>1</sup>FCA] shall give to the society not less than two months' previous notice, specifying briefly the grounds of the proposed cancellation.
- [F<sup>5</sup>(4A) The FCA must consult the PRA before cancelling under subsection (1), (2) or (3) the registration of a society which is a PRA-authorized person.]

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*Changes to legislation: There are currently no known outstanding effects for the Friendly Societies Act 1992, Section 26. (See end of Document for details)*

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- (5) Where the registration of an incorporated friendly society is cancelled under subsection (2) above, the society may appeal—
- (a) where the registered office of the society is situated in England and Wales, to the High Court;
  - (b) where that office is situated in Scotland, to the Court of Session; or
  - (c) where that office is situated in Northern Ireland, to the High Court in Northern Ireland;
- and on any such appeal the court may, if it thinks it just to do so, set aside the cancellation.
- (6) Where the registration of a society is cancelled under subsection (2) or (3) above, then, subject to the right of appeal under subsection (5) above, the society, so far as it continues to exist, shall cease to be a society incorporated under this Act.
- (7) Subsection (6) above shall not affect any liability actually incurred by an incorporated friendly society; and any such liability may be enforced against the society as if the cancellation had not taken place.
- (8) Any cancellation of the registration of an incorporated friendly society under this section shall be effected [<sup>F6</sup>by written notice given by the [<sup>F1</sup>FCA] to the society].
- (9) As soon as practicable after the cancellation of the registration of an incorporated friendly society under this section the [<sup>F1</sup>FCA] shall cause notice thereof to be published in the London Gazette, the Edinburgh Gazette or the Belfast Gazette according to the situation of the society's registered office, and if it thinks fit, in one or more newspapers.

#### Textual Amendments

- F1** Word in s. 26 substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), [Sch. 9 para. 13\(2\)](#) (with [Sch. 12](#))
- F2** Word in s. 26(1) substituted (17.8.2001 for specified purposes and otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8(1), 13(1), [Sch. 3 Pt. 1 para. 64\(a\)\(ii\)](#) (with art. 13(3), [Sch. 5](#)); S.I. 2001/3538, 2(1)
- F3** S. 26(2)(c) and the word “or” immediately preceding it inserted (18.7.1996) by S.I. 1996/1669, [reg. 14\(1\)](#)
- F4** Word in s. 26(2) substituted (17.8.2001 for specified purposes and otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8(1), 13(1), [Sch. 3 Pt. 1 para. 64\(b\)\(ii\)](#) (with art. 13(3), [Sch. 5](#)); S.I. 2001/3538, [art. 2\(1\)](#)
- F5** S. 26(4A) inserted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), [Sch. 9 para. 13\(3\)](#) (with [Sch. 12](#))
- F6** Words in s. 26(8) substituted (17.8.2001 for specified purposes and otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8(1), 13(1), [Sch. 3 Pt. 1 para. 64\(d\)](#) (with art. 13(3), [Sch. 5](#)); S.I. 2001/3538, [art. 2\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Friendly Societies Act 1992, Section 26.