



Friendly Societies Act 1992

1992 CHAPTER 40

PART IX

MISCELLANEOUS

Societies registered under 1974 Act

93 Registration of societies under 1974 Act.

- (1) No society may be registered under the ^{M1}1974 Act after the commencement of this section.
- (2) Subject to section 7 of the 1974 Act, a society registered under the 1974 Act immediately before the commencement of this section (an “existing society”) shall continue as a registered society in accordance with the provisions of that Act.
- (3) Nothing in subsection (1) above shall be taken as preventing the registration after the commencement of this section of a branch of an existing society as a registered branch.
- (4) Nothing in this Act shall be taken as preventing—
 - (a) the performance by an existing friendly society of any contract which is in force immediately before the commencement of this section; or
 - (b) the carrying on by such a society of any social or benevolent activity which is not inconsistent with the other activities of the society.
- (5) Before the end of the transitional period each existing friendly society shall—
 - (a) by special resolution agree upon the alterations to be made to its rules so that they conform to this Act and the 1974 Act; and
 - (b) send to the [^{F1}FCA][^{F2}three] copies of the rules as altered each signed by the secretary and accompanied by a statutory declaration by the secretary that that agreement was effected by a resolution passed as a special resolution.
- (6) On agreeing upon any such alteration to its rules a society shall, subject to subsection (7) below, determine the date on which the society intends it to take effect,

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and any alteration to the society’s rules sent to the [F¹FCA] shall be accompanied by a record specifying that date (in this paragraph referred to as “the specified date”).

- (7) No date shall be specified under subsection (6) above which falls more than six months after the date of the meeting at which the society agreed upon the alteration to its rules.
- (8) The [F¹FCA], if satisfied that the rules as altered are in conformity with this Act and the 1974 Act, shall retain and register a copy of the altered rules.
- (9) On registering a copy of the altered rules under subsection (8) above, the [F¹FCA] shall—
- (a) return another copy to the secretary of the society, together with a certificate of registration, and
 - (b) keep another copy with the record of the specified date sent to it under subsection (6) above and a copy of that certificate, in the public file of the society.
- (10) Rules registered under this paragraph shall take effect on the specified date for the rule or, if registration of the rules is not effected until a later date, that later date.
- (11) If the [F¹FCA] has not, before the end of the transitional period, received from an existing registered friendly society copies of its rules as altered in accordance with subsection (5) above, the society shall be treated as having agreed upon such alteration of its rules as the [F¹FCA] directs.
- (12) Where the [F¹FCA] proposes to give a direction under subsection (11) above in relation to a society it shall—
- (a) serve on the society a notice stating that it proposes to give a direction; and
 - (b) consider any representations made by the society within such period (not being less than fourteen days) from the date on which the notice is served as the [F¹FCA] may allow;
- and, if the society so requests, the [F¹FCA] shall afford to it an opportunity of being heard by the [F¹FCA] within that period.
- (13) Where under this section a society is treated as having agreed upon altered rules, the [F¹FCA] shall prepare three copies of rules for the society and shall—
- (a) retain and register one copy,
 - (b) send another to the secretary of the society, together with a certificate of registration, and
 - (c) keep another copy, together with a copy of that certificate, in the public file of the society;
- and the rules so registered shall be for all purposes the rules of the society until amended under the 1974 Act.
- (14) In this section “the transitional period” means the period beginning with the commencement date for this section and expiring with such day as the [F³Treasury prescribe] by order.
- (15) Subsections (5) to (14) above apply to the rules of a registered branch of an existing friendly society as they apply to the rules of the society.

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Textual Amendments

- F1** Word in s. 93 substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), **Sch. 9 para. 41** (with [Sch. 12](#))
- F2** Word in s. 93(5)(b) substituted (1.8.1996) by [S.I. 1996/1188](#) art. 5
- F3** Words in s. 93(14) 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 para. 103(b)** (with [art. 13\(3\)](#), [Sch. 5](#)); [S.I. 2001/3538](#), **art. 2(1)**

Modifications etc. (not altering text)

- C1** [S. 93\(14\)](#): functions of Friendly Societies Commission transferred (17.8.2001) to the Treasury by [S.I. 2001/2617](#), **arts. 2(b), 4(1)**, [Sch. 1 Pt. II](#)

Commencement Information

- I1** [S. 93](#) wholly in force; [s. 93](#) not in force at Royal Assent see [s. 126\(2\)](#); [s. 93\(1\)-\(4\)](#) in force 1.2.1993 by [S.I. 1993/16](#), [art. 2](#), **Sch. 3**; [s. 93 \(5\)-\(15\)](#) in force at 1.1.1994 by [S.I. 1993/2213](#), [art. 2\(1\)](#), **Sch. 6**

Marginal Citations

- M1** [1974 c.46](#)

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