



Industrial Assurance and Friendly Societies Act 1948

1948 CHAPTER 39

Miscellaneous and general.

17 Protection for members of registered societies joining the forces.

- (1) Any provision in the rules of a registered society which purports to deprive persons of membership of the society or of any interest therein by reason of their service in any of the naval, military or air forces of the Crown (which expression shall for the purposes of this section be treated in the case of a woman as including service in any of the capacities mentioned in the Fourth Schedule to this Act) shall be of no effect, and no person shall be fined for failure to attend any meeting of the society or otherwise to comply with the rules thereof if the failure was due to his or her service as aforesaid.
- (2) Section forty-three of the Act of 1896 is hereby repealed.
- (3) Notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws for purposes similar to any of the purposes of this section.

18 Provisions as to payments on deaths in certain circumstances.

- (1) The powers to determine questions of title conferred on a majority of the trustees of a registered society by section fifty-eight of the Act of 1896 (which relates to payment of small sums to which members of registered societies are entitled on the death intestate of such a member) shall be exercisable by the committee of the society in lieu of by a majority of the trustees, and accordingly a reference to the committee shall be substituted for each reference to a majority of the trustees in that section and for the reference thereto in section sixty of the Act of 1896 (which refers to the said section fifty-eight).
- (2) For bringing into accord with the law relating to estate duty as amended by the Finance Act, 1946, the form of the following enactments, that is to say—
 - (a) section fifty-nine of the Act of 1896,

Status: This is the original version (as it was originally enacted).

- (b) subsection (2) of section ten of the Provident Nominations and Small Intestacies Act, 1883, and
- (c) subsection (1) of the section substituted by section six of the Industrial and Provident Societies (Amendment) Act, 1913, for section twenty-eight of the Industrial and Provident Societies Act, 1893,

being enactments which make provision as to estate duty on sums paid under those Acts without probate or letters of administration, there shall be substituted for those enactments respectively the enactments set out in paragraphs 1, 2 and 3 respectively of the Fifth Schedule to this Act.

- (3) The receipt, or letter or certificate, from the Commissioners of Inland Revenue as to payment of death duties or freedom therefrom required by the following enactments in cases of payments under nominations by members of societies, and in cases of payments on intestacies of members of societies entitled to sums not exceeding one hundred pounds, shall be required in cases of payments under nominations only where the member's total property in the society exceeds two hundred pounds, and shall cease to be required in cases of payments on such intestacies, and accordingly the following amendments shall be made in those enactments respectively :

The said enactments and the amendments to be made therein are—

- (a) subsection (3) of section fifty-seven of the Act of 1896 (relating to nominations), in which the words " two hundred pounds " shall be substituted for the words " eighty pounds ";
- (b) subsection (1) of section fifty-eight of the Act of 1896 (relating to intestacies), in which the words from " subject " to the end of the subsection are hereby repealed ;
- (c) subsection (1) of section ten of the Provident Nominations and Small Intestacies Act, 1883 (relating to nominations and to intestacies), in which the words " two hundred pounds " shall be substituted for the words " eighty pounds " , and the words " or standing to the credit of any person in any society at his death " , and the words " or otherwise " where they occur for the second time, are hereby repealed;
- (d) subsection (2) of the section substituted by section six of the Industrial and Provident Societies (Amendment) Act, 1913, for section twenty-eight of the Industrial and Provident Societies Act, 1893 (relating to nominations and to intestacies), in which there shall be inserted, after the words " If the principal value of the property or money to be so transferred or paid exceeds eighty pounds " , the words "and the transfer or payment is made under the said section twenty-six and the total property of the nominator in the society at his death exceeds two hundred pounds ".

19 Provisions as to investment by registered societies and certain other bodies.

- (1) The power to invest funds with the National Debt Commissioners conferred on registered societies by paragraph (c) of subsection (1) of section forty-four, and section fifty-two, of the Act of 1896 shall cease to be exercisable.
- (2) The said Commissioners may at any time make payments in or towards repayment of moneys invested with them by such societies, and shall repay all such moneys not later than the twentieth day of November, nineteen hundred and fifty-one, and the provisions of sections twenty-six and twenty-seven of the Trustee Savings Banks Act, 1863 (which, as applied by subsection (4) of section fifty-two of the Act of 1896,

impose certain restrictions on such payments) shall cease to have effect as to such payments.

- (3) Where the said Commissioners propose to make a payment under this section to a registered society, they shall, by not less than twenty-eight days notice in writing, notify the society of their proposal, specifying the amount and date of the payment proposed, and, if necessary, requiring the society to appoint a person to whom payment may be made.
- (4) In accordance with the preceding provisions of this section—
- (a) there are hereby repealed paragraph (c) of subsection (1) of section forty-four of the Act of 1896, and, in section fifty-two of that Act, subsections (1) to (3), subsection (4) so far as it relates to sections twenty-six and twenty-seven of the Trustee Savings Banks Act, 1863, and subsections (6) and (9) ; and
 - (b) as from such day as may be appointed for the purposes of this provision by order of the Treasury made by statutory instrument, being a day not earlier than the twentieth day of November, nineteen hundred and fifty-one, the enactments specified in Part I of the Sixth Schedule to this Act shall be repealed to the extent specified in the third column of that Part of that Schedule.
- (5) It is hereby declared that nothing in section forty-four of the Act of 1896 (which enacts that the trustees of a registered society may invest its funds to any amount in the ways therein mentioned, including investment in the Post Office Savings Bank or in any savings bank certified under the Trustee Savings Banks Act, 1863), or in any of the following sections (which make similar provision as to investment of the funds, money or capital of the bodies therein respectively mentioned), that is to say—
- (a) section twenty-seven of the Savings Bank Act, 1828, and section thirty-two of the Trustee Savings Banks Act, 1863,
 - (b) section one of the Savings Bank (Charitable Societies) Act, 1859,
 - (c) section thirty-nine of the Industrial and Provident Societies Act, 1893, and
 - (d) section sixteen of the Building Societies Act, 1894,
- is to be construed as imposing any obligation on any savings bank authority as respects their or his receiving any such funds, money or capital.

In this subsection the expression " savings bank authority " has the meaning assigned to it by subsection (3) of section ten of the Savings Banks Act, 1920.

- (6) This section shall extend to Northern Ireland.

20 Change of designation of " public auditors " to " approved auditors "; and qualification.

- (1) The designation of the auditors appointed under section thirty of the Act of 1896, and of the auditors appointed under section seventy-two of the Industrial and Provident Societies Act, 1893, shall be " approved auditors " instead of " public auditors ", and accordingly a reference to " an approved auditor " shall be substituted for any reference to " a public auditor " in—
- (a) the Friendly Societies Acts, 1896 to 1929 ;
 - (b) the Industrial Assurance Acts, 1923 to 1929 ;
 - (c) the Industrial and Provident Societies Acts, 1893 to 1928 ;
 - (d) the Superannuation and other Trust Funds (Interpretation) Regulations, 1928.

- (2) No person shall be qualified to be appointed an approved auditor under section thirty of the Act of 1896 or under section seventy-two of the Industrial and Provident Societies Act, 1893, unless he is a member of one or more of the following bodies, that is to say.—

The Institute of Chartered Accountants in England and Wales;
 The Society of Incorporated Accountants and Auditors;
 The Society of Accountants in Edinburgh;
 The Institute of Accountants and Actuaries in Glasgow;
 The Society of Accountants in Aberdeen;
 The Association of Certified and Corporate Accountants;
 The Institute of Chartered Accountants in Ireland:

Provided that—

- (a) the preceding provision shall not affect the qualification of a person who is an approved auditor at the passing of this Act, for the purpose either of his existing appointment or of any subsequent appointment under either of those sections ;
- (b) notwithstanding that provision, where a person who is not such a member or an approved auditor at the passing of this Act was appointed in accordance with the rules of a registered society for the purposes of the audit of the accounts of the society made in the years nineteen hundred and forty-eight and nineteen hundred and forty-nine and in each subsequent year (if any) as respects which the option conferred by section twenty-six of the Act of 1896 to submit accounts for audit to persons so appointed was exercisable by the society, the Treasury may, if they think fit, appoint him under the said section thirty for the purposes only of audit of the accounts of a society in accordance with whose rules he was appointed as aforesaid ; and
- (c) notwithstanding that provision, the Treasury may, if they think fit, appoint under the said section thirty a person who is not such a member or an approved auditor at the passing of this Act, if they are satisfied that it is necessary for them to do so for giving effect to the purposes of section fourteen of this Act.

21 Repeal of provisions requiring Treasury consent to mode of determination of disputes.

The provisions of subsection (3) of section sixty-eight of the Act of 1896, and of subsection (2) of section forty-nine of the Industrial and Provident Societies Act, 1893, which require the consent of the Treasury for the determination as therein mentioned of certain disputes shall cease to have effect, and accordingly there are hereby repealed—

- (a) in the said subsections respectively, the words " with the consent of the Treasury " ; and
- (b) in subsection (1) of section thirty-two of the Act of 1923, the words " and the consent of the Treasury to his dealing therewith had been given ".

22 Repeal of s. 28 of the Act of 1923.

Section twenty-eight of the Act of 1923 (which relates to policies to which the Courts (Emergency Powers) Act, 1914, applied), and the reference to that section in the First Schedule to the Act of 1923, are hereby repealed.

23 Interpretation.

- (1) In this Act, except where the context otherwise requires.—
 - (a) the expression " society " means a society for any of the purposes specified in section eight of the Act of 1896, the expression " registered society " means a society registered under that Act, and references to a society or to a registered society or to a registered friendly society include references to a branch of such a society ;
 - (b) the expression " policy " includes any contract of assurance, and for the purposes of this Act the date of the making of any such contract shall be deemed to be the date of the issue of a policy ;
 - (c) the expression " proposal " in relation to an insurance, includes an application for an insurance, and the expression " proposer " shall be construed accordingly ; and
 - (d) the expression " trade union " means a trade union within the meaning of the Trade Union Act, 1913.
- (2) In this Act the expression " parent " includes a stepfather and a stepmother.
- (3) It is hereby declared that the provision made by subsection (5) of section five of the Adoption of Children Act, 1926, and by subsection (6) of section five of the Adoption of Children (Scotland) Act, 1930, that the adopter of a child shall be deemed to be the parent of the child for the purposes of enactments relating to friendly societies, collecting societies and industrial assurance companies, applies for all the purposes of any enactment so relating, whether passed before or after the commencement of the said Act of 1926 or of the said Act of 1930, as the case may be, and including this Act.

24 Extent.

- (1) This Act shall extend to Great Britain, the Isle of Man and the Channel Islands.
- (2) Except as regards subsection (3) of section seventeen thereof and section nineteen thereof, this Act shall not extend to Northern Ireland.

25 Short title, citation, construction and repeal.

- (1) This Act may be cited as the Industrial Assurance and Friendly Societies Act, 1948.
- (2) This Act and the Industrial Assurance Acts, 1923 to 1929, may be cited together as the Industrial Assurance Acts, 1923 to 1948, and this Act and the Friendly Societies Acts, 1896 to 1929, may be cited together as the Friendly Societies Acts, 1896 to 1948.
- (3) References in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.
- (4) This Act, in its application to collecting societies and industrial assurance companies, shall be construed as one with the Industrial Assurance Acts, 1923 to 1929, and in its application to friendly societies, not being collecting societies, shall be construed as one with the Friendly Societies Acts, 1896 to 1929.
- (5) The enactments specified in Part II of the Sixth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Part of that Schedule.