
STATUTORY INSTRUMENTS

1993 No. 16 (C.1)

FRIENDLY SOCIETIES

**The Friendly Societies Act 1992 (Commencement
No. 3 and Transitional Provisions) Order 1993**

Made - - - - 4th January 1993

The Treasury, in exercise of the powers conferred on them by section 126(2) of the Friendly Societies Act 1992⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Friendly Societies Act 1992 (Commencement No. 3 and Transitional Provisions) Order 1993.

(2) In this Order—

“the 1974 Act” means the Friendly Societies Act 1974⁽²⁾;

“the 1992 Act” means the Friendly Societies Act 1992;

“assistant registrar” means an assistant registrar of friendly societies;

“Chief Registrar” means the Chief Registrar of friendly societies;

“Commission” means the Friendly Societies Commission established under section 1 of the 1992 Act;

“collecting society” has the meaning given to that term in section 1(1A) of the Industrial Assurance Act 1923⁽³⁾;

“registered friendly society or branch” means a friendly society or branch registered under the 1974 Act;

“registered society or branch” means a society or branch registered under the 1974 Act;

“registrar” has the meaning given to that term in section 111(3) of the 1974 Act.

Days appointed

2. The provisions of the 1992 Act specified in column 1 of each of Schedules 1 and 4 to this Order (which relate to the matters mentioned in column 2 of each Schedule) shall come into force

(1) 1992 c. 40.

(2) 1974 c. 46.

(3) 13 and 14 Geo.5 c.8; section 1(1A) was inserted by sections 97 and 99 of, and Part II of Schedule 6 to the Companies Act 1967 (c. 81).

for the purposes described in column 3 of each Schedule on the date specified in relation to the relevant Schedule in the following table and the provisions of the 1992 Act specified in column 1 of each of Schedules 2 and 3 to this Order (which relate to the matters mentioned in column 2 of each Schedule) shall come into force generally on the date specified in relation to the relevant Schedule in the following table—

Schedule 1	13th January 1993
Schedule 2	13th January 1993
Schedule 3	1st February 1993
Schedule 4	1st February 1993

Transitional provisions

3. Where a dispute between a registered friendly society or branch and the persons or branches described in section 76(1) of the 1974 Act is referred for decision under the rules of the society or branch before 13th January 1993 then notwithstanding the amendment of section 76 of the 1974 Act by the 1992 Act the dispute shall be determined and the decision shall have effect as provided in section 76(1) and where applicable section 76(3) and shall be enforced in accordance with section 76(2) and (5) as those provisions have effect before 13th January 1993.

4. Where a dispute between a registered society or branch other than a registered friendly society or branch and the persons or branches described in section 76(1) of the 1974 Act is referred for decision under the rules of the society or branch before 13th January 1993 and section 76(3) is applicable, the dispute shall be determined as provided in section 76(3) notwithstanding the substitution of subsection (3A) for subsection (3) of section 76 of the 1974 Act by the 1992 Act.

5. Where a dispute between a registered society or branch and the persons or branches described in section 76(1) of the 1974 Act is referred under section 77 of the 1974 Act to the Chief Registrar or, in Scotland, to the assistant registrar, before 13th January 1993 it shall be heard, determined and enforced by that person as provided in section 77 of the 1974 Act notwithstanding the repeal of section 77 by the 1992 Act.

6. Until the expiry of the transitional period defined in section 93(14) of the 1992 Act, where the rules of a registered friendly society or branch do not provide for the determination of the disputes described in section 80(1) of the 1992 Act by arbitration, they shall be determined instead by a reference to the county court or, in Scotland, to the sheriff.

7. Where a dispute described in section 60(1) of the Industrial and Provident Societies Act 1965⁽⁴⁾ is referred under section 60(2) to the Chief Registrar, or in Scotland, to the assistant registrar, before 13th January 1993 it shall be heard and determined by that person notwithstanding the substitution of a new subsection for section 60(2) of that Act by the 1992 Act.

8. Where a dispute described in section 32(1) of the Industrial Assurance Act 1923 is referred to the Commissioner under that section before 13th January 1993 it shall be dealt with by the Commissioner as therein provided notwithstanding the repeal of section 32 of that Act by the 1992 Act.

9. A collecting society incorporated under section 6 of the 1992 Act shall send returns for the years 1992 and 1993 to the Industrial Assurance Commissioner as prescribed in the Industrial Assurance (Collecting Society Returns) Regulations 1968⁽⁵⁾ made under section 13(1) of the

(4) 1965 c. 12.

(5) S.I. 1968/1585.

Industrial Assurance and Friendly Societies Act 1948(6) notwithstanding the amendment of section 13(1) of that Act by the 1992 Act.

10. Where not less than one year's premiums are paid before 1st February 1993 under a policy to which section 75 of the 1974 Act applies, the owner of the policy shall be entitled at any time within one year from the date on which the last premium was paid to surrender the policy and claim the policy or the payment described in section 75(1) notwithstanding the repeal of section 75 of the 1974 Act by the 1992 Act.

11. Where an instrument of dissolution of a registered society or branch consented to as described in section 93(1)(b) of the 1974 Act as it has effect before 1st February 1993 is received by the registrar before 1st September 1993 it shall be treated for all purposes as a valid instrument of dissolution notwithstanding the amendment of section 93(1)(b) of the 1974 Act by the 1992 Act.

Tim Wood

Norman Lamont
Two of the Lords Commissioners of Her
Majesty's Treasury

4th January 1993

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Article 2

PROVISIONS OF THE 1992 ACT COMING INTO FORCE ON 13TH JANUARY 1993

(1) Provisions of the Act	(2) Subject matter of provisions	(3) Purposes
Part III	Management and administration of friendly societies	Management and administration of incorporated friendly societies
Section 31	Restriction on carrying on unauthorised insurance or non-insurance business	Carrying on business by incorporated friendly societies
Section 32	Grant of authorisation by Commission: general	Authorisation of incorporated friendly societies following application from such societies and from registered friendly societies seeking to be incorporated under the 1992 Act
Section 33	Applications from certain existing friendly societies	Applications from registered friendly societies seeking to be incorporated under the 1992 Act and from incorporated friendly societies for authorisation to carry on existing business as incorporated friendly societies
Section 34 and 35	Grant of unconditional or conditional authorisation and extension of current authorisation	Grant and extension of authorisation of incorporated friendly societies following applications from incorporated friendly societies and from registered friendly societies seeking to be incorporated under the 1992 Act
Sections 36 to 43	Imposition of conditions on current authorisation, restriction on combinations of business, restriction on commercial business, power to direct application for fresh authorisation, withdrawal of authorisation in respect of new business, withdrawal of authorisation to carry on insurance business, contracts effected in contravention of section 31(1) and interpretation	Control of conduct of business by incorporated friendly societies

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(1) Provisions of the Act	(2) Subject matter of provisions	(3) Purposes
Part V, except sections 58 to 61	Regulation of friendly societies' business	Regulation of the business of incorporated friendly societies
Part VI	Accounts and audit	Accounts and audit of incorporated friendly societies
Schedule 11	Committee of management : supplementary	Committee of management of incorporated friendly societies
Schedule 12	Meetings and resolutions	Meetings and resolutions of incorporated friendly societies
Schedule 13	Authorisation : supplementary provisions	Authorisation of incorporated friendly societies and applications for authorisation from registered friendly societies to carry on business as incorporated friendly societies
Schedule 14, except paragraph 7	Auditors: appointment, terms, qualifications and remuneration	Auditors of incorporated friendly societies

SCHEDULE 2

Article 2

PROVISIONS OF THE 1992 ACT COMING INTO FORCE ON 13TH JANUARY 1993

(1) Provisions of the Act	(2) Subject matter of provisions
Section 58	Rights of appeal
Section 59	Determination of appeals
Section 60	Costs, procedure and evidence
Section 61	Further appeals on points of law
Section 80	Determination of certain disputes by arbitration
Section 81	Complaints by members of friendly societies
Section 82, except subsection (5)	Disputes arising out of loans of surplus funds to societies of different description
Section 83	Disputes relating to industrial and provident societies
Section 95, to the extent that it relates to any provision of Schedule 16 set out below	Amendments of 1974 Act
Section 100, to the extent that it relates to any provision of Part I of Schedule 19 set out below	Industrial assurance
Section 114	Form of documents and power to prescribe fees

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(1) Provisions of the Act	(2) Subject matter of provisions
Section 120(2), to the extent that it relates to any provision of Part I of Schedule 22 referred to below	Repeals
In Schedule 16, paragraphs 2(1)(a) and 2(3), 25, 26 and 28	Consequential amendments of the 1974 Act
In Part I of Schedule 19, paragraph 9	Amendments to the Industrial Assurance Act 1923
So much of Part I of Schedule 22 as is specified in the Appendix to this Schedule	Repeals

APPENDIX

REPEALS TAKING EFFECT ON 13TH JANUARY 1993

Chapter	Short title	Extent of repeal
1974 c. 46.	Friendly Societies Act 1974.	<p>In section 76, in subsection (1) (c), (d) and (e) the words “or branch” in each place where they occur, and, in subsection (5) the words from “and in subsection (3)” onwards.</p> <p>Section 77.</p> <p>In section 78, in subsection (1) the words “or the Chief or assistant registrar” and subsections (2) and (3).</p> <p>In section 79(1), the words “or a magistrates' court”.</p> <p>In section 80(1), paragraph (c) and the word “and” immediately preceding it.</p>

SCHEDULE 3

Article 2

PROVISIONS COMING INTO FORCE ON 1ST FEBRUARY 1993

(1) Provisions of the Act	(2) Subject matter of provisions
Part II	Incorporated friendly societies
Section 93, subsections (1) to (4)	Registration of societies under the 1974 Act
Section 94	Registered friendly societies and branches: validation and ratification by members
Section 95, to the extent that it relates to any provision of Schedule 16 to the Act specified in this Schedule	Amendments of the Friendly Societies Act 1974
Section 99	Insurance of lives of children under 10
Section 100, to the extent that it relates to any provision of Part I of Schedule 19 specified in this Schedule	Industrial assurance
Section 101	Law applicable to contracts of insurance with friendly societies

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(1) Provisions of the Act	(2) Subject matter of provisions
Section 102	Power to amend, etc to assimilate to company law or law relating to persons carrying on insurance business
Section 103	Power to modify Parts V and VI in relation to particular friendly societies
Section 104	Public file of a friendly society
Section 105	Exemptions from stamp duty
Section 106	Offices and auditors not to be exempted from liability
Section 107	Time limit for commencing proceedings
Section 108	Offences by bodies corporate, partnerships and unincorporated associations
Section 109	Defence of due diligence
Section 110	Jurisdiction of magistrates' courts
Section 111	Evidence
Section 112	Records of friendly societies
Section 113	Service of notices
Section 115	Provisions as to information supplied for purposes of social security
Section 120, to the extent that it relates to any provision of Part I of Schedule 21 specified in this Schedule or to any provision of Part I of Schedule 22 referred to in this Schedule	Amendments and repeals
Section 125	Channel Islands and Isle of Man
Schedule 2	Activities of a friendly society
Schedule 3, except paragraph 9(2)	Establishment, incorporation and constitution of incorporated friendly societies
Schedule 4	Incorporation of registered friendly societies: supplementary
Schedule 5	Additional activities of incorporated friendly societies
Schedule 6	Making of contracts and execution of documents by incorporated friendly societies
Schedule 7	Activities which may be carried on by a subsidiary of or body jointly controlled by an incorporated friendly society
Schedule 8	Provisions supplementary to section 13 of the Act

(1) Provisions of the Act	(2) Subject matter of provisions
Schedule 9	Nominations by members of incorporated friendly societies and related matters
Schedule 10	Application of companies winding up legislation to incorporated friendly societies
In Schedule 16, paragraphs 4(a) and (c), 5, 6, 7, 10, 16, 19, 24 (to the extent that it repeals sections 70, 71, 72, 73 and 75), 32 (except paragraph (8)), 37, 38(a), 42(a), 45, 47, 48(b) and (e) and 52	Amendments of Friendly Societies Act 1974
In Part I of Schedule 19, paragraphs 2(1), 6 and 12	Amendments of industrial assurance legislation
Schedule 20	Law applicable to certain contracts of insurance
In Part I of Schedule 21, paragraphs 1 and 5 to 11	Amendments of enactments
So much of Part I of Schedule 22 as is specified in the Appendix to this Schedule	Repeals

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APPENDIX

REPEALS TAKING EFFECT ON 1ST FEBRUARY 1993

Chapter	Short title	Extent of repeal
13 and 14 Geo. 5 c.8.	Industrial Assurance Act 1923.	In section 2(1), from the words “and anything which under” to the end of the subsection. Section 4. Section 7. In section 8, subsection (3). Schedule 1.
12 Geo. 6. c.39.	Industrial Assurance and Friendly Societies Act 1948.	Section 6. Section 7. Section 10(1)(b) and (c) and the words from “and shall, on demand” to the end of subsection (1), and subsections (2) and (3). Section 11. Schedule 1.
1974 c. 46.	Friendly Societies Act 1974.	Section 8. Section 11(1). Section 13(2). In section 15, the words “society or” in each place they appear. Section 17. Sections 70, 71, 72, 73 and 75.

SCHEDULE 4

Article 2

PROVISIONS OF THE 1992 ACT COMING INTO FORCE ON 1ST FEBRUARY 1993

(1) Provisions of the Act	(2) Subject matter of provisions	(3) Purposes
Section 98	Amendment of the Financial Services Act 1986 ⁽⁷⁾	Application of the Financial Services Act 1986 to incorporated friendly societies
Section 100, to the extent that it relates to any provision of Part I of Schedule 19 specified in this Schedule	Industrial assurance	Amendment of industrial assurance legislation in relation to incorporated friendly societies and industrial assurance companies
Schedule 18	Amendment of the Financial Services Act 1986	Application of the Financial Services Act 1986 to incorporated friendly societies
In Part I of Schedule 19, paragraphs 2(2), 3, 4, 5(1)(a), (b), (d) and (e), 5(2)(a), 11, 13, 14, 15 and 16	Industrial assurance	Amendment of industrial assurance legislation in relation to incorporated friendly societies and industrial assurance companies
So much of Part I of Schedule 22 as is specified in the Appendix to this Schedule	Repeals	Repeal of provisions of the Industrial Assurance Act 1923 in relation to incorporated friendly societies which are collecting societies

(7) 1986 c. 60.

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APPENDIX

REPEALS TAKING EFFECT ON 1ST FEBRUARY 1993

Chapter	Short title	Extent of repeal
13 and 14 Geo. 5 c.8.	Industrial Assurance Act 1923.	<p>In section 8, subsections (2) and (4).</p> <p>Section 15.</p> <p>Section 16.</p> <p>In section 18, in subsection (1), the words “In the case of a collecting society or industrial assurance company,”, paragraph (c), in paragraph (d), the words “society or” (twice), in paragraph (f) the words “society or” (three times) and in paragraph (g) the words “collecting society or” and the words from “the” in the second place where it occurs in that paragraph, to “or”, in the second place where it so occurs, and in subsection (3) the words “in the case of a collecting society or industrial assurance company”, the words “society or” and the words from “award” to “a company,”.</p> <p>In section 19, in subsection (1), the words “collecting society and”, in subsection (2), the words “society or” (twice), subsection (3)(b) and the word “or” immediately preceding it.</p> <p>Section 35.</p>
12 Geo. 6 c.39.	Industrial Assurance and Friendly Societies Act 1948.	Section 13(3).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the provisions of the Friendly Societies Act 1992 listed in Schedules 1 and 2 on 13th January 1993 and brings into force the provisions listed in Schedules 3 and 4 on 1st February 1993 for the purposes described in the respective Schedules or generally. The provisions listed in Schedule 1 concern the management and administration of friendly societies, the regulations of their business, and accounting and auditing requirements, and, with the exception of some of the listed provisions of Part IV of the 1992 Act, will only come into force for friendly societies incorporated under the 1992 Act. Specified provisions of Part IV of the 1992 Act concerning applications for and the grant of authorisation will also come into force for registered friendly societies which are seeking incorporation under the 1992 Act and apply for authorisation to carry on business as incorporated friendly societies. The provisions in Schedule 2 concern the settlement of disputes involving friendly societies and industrial and provident societies and documents and fees, and the provisions in Schedule 3 relate to the establishment, purposes, powers and dissolution of incorporated friendly societies and minor jurisdictional and regulatory matters applying to friendly societies generally. Schedule 4 lists provisions amending the Financial Services Act 1986 and the industrial assurance legislation for incorporated friendly societies and industrial assurance companies. The Order also contains transitional provisions relating to the settlement of disputes involving friendly societies and other societies registered under the Friendly Societies Act 1974, industrial and provident societies, industrial assurance companies and collecting societies and as to the procedural rights, requirements and obligations of friendly societies and their members and of collecting societies.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by Commencement Orders made before the date of this Order:

Provision	Date of Commencement	S.I. No.
Sections 1 to 4, Schedule 1, sections 116 to 119, sections 121 to 123 and section 126	8.6.92	1992/1325
Section 84, section 120 (partially) and Schedule 21 (partially)	1.1.93	1992/3117