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STATUTORY INSTRUMENTS

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**1993 No. 2213**

**The Friendly Societies Act 1992 (Commencement  
No.6 and Transitional Provisions) Order 1993**

**Citation and interpretation**

1.—(1) This Order may be cited as the Friendly Societies Act 1992 (Commencement No.6 and Transitional Provisions) Order 1993.

(2) In this Order—

“the 1923 Act” means the Industrial Assurance Act 1923<sup>(1)</sup>;

“the 1974 Act” means the Friendly Societies Act 1974<sup>(2)</sup>;

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

“Chief Registrar” means the Chief Registrar of Friendly Societies;

“collecting society” has the meaning given to that term in section 1(1A) of the 1923 Act<sup>(3)</sup>;

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

“Industrial Assurance Commissioner” has the meaning given to that title in section 2 of the 1923 Act;

“insurance business” has the meaning given to that term in section 117(1) of the 1992 Act;

“non-insurance business” has the meaning given to that term in section 119(1) of the 1992 Act;

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

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

“relevant year” means, in relation to a friendly society which sent an annual return to the registrar under section 43 of the 1974 Act for the year ending with 31st December 1991, that year, and, in relation to a friendly society which did not send an annual return to the registrar for that year, means the year ending with 31st December for which the friendly society had sent its last annual return to the registrar;

“specified date” has the meaning given to that term in section 93(6) of the 1992 Act;

“specified income” means an amount determined in accordance with Schedule 1 to this Order;

“transitional period” has the meaning given to that term in section 93(14) of the 1992 Act; and

“year of account” has the meaning given to that term in section 111(4) of the 1974 Act.

**Days appointed**

2.—(1) The provisions of the 1992 Act specified in column 1 of each of Schedules 2 and 5 to this Order (which relate to the matters mentioned in column 2 of each Schedule) shall come into force for

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(1) 13 and 14 Geo. 5 c.8.

(2) 1974 c. 46.

(3) Section 1(1A) was inserted by section 97 of, and Part II of Schedule 6 to the Companies Act 1967 (c. 81) and substituted by paragraph 2(1) of Part I of Schedule 19 to the Friendly Societies Act 1992 (c. 40).

all remaining purposes, the provisions of the 1992 Act specified in column 1 of each of Schedules 3 and 6 to this Order (which relate to the matters mentioned in column 2 of each Schedule) shall come into force generally and the provisions of the 1992 Act specified in column 1 of Schedule 4 to this Order (which relate to the matters mentioned in column 2 of that Schedule) shall come into force for the purpose described in column 3 of that Schedule in each case on the date specified in relation to that Schedule in the following table—

Schedule 2	13th September 1993
Schedule 3	13th September 1993
Schedule 4	13th September 1993
Schedule 5	1st January 1994
Schedule 6	1st January 1994

(2) Section 31 of the 1992 Act shall come into force on 1st January 1994 in relation to the carrying on of any insurance business or non-insurance business by a registered friendly society—

- (a) the value of whose specified income for the relevant year exceeded £3,000; and
- (b) which does not duly apply to the Commission before 1st January 1994 under section 32 or 33 of the 1992 Act for authorisation to carry on or to continue to carry on any class or part of a class of insurance business or any description of non-insurance business.

(3) Section 31 of the 1992 Act shall come into force on 1st January 1994 in relation to the carrying on by a registered friendly society of insurance business in respect of which the society is deemed to be granted an authorisation under section 32(7).

(4) Except as provided for in paragraph (3) above, section 31 of the 1992 Act shall come into force on 1st July 1994 in relation to the carrying on of any insurance business or non-insurance business by a registered friendly society—

- (a) the value of whose specified income for the relevant year exceeded £3,000; and
- (b) which duly applies to the Commission before 1st January 1994 under section 32 or 33 of the 1992 Act for authorisation to carry on or to continue to carry on any class or part of a class of insurance business or any description of non-insurance business.

### **Transitional provisions**

**3.** Where a registered friendly society does not on 1st January 1994 have a chief executive as required by section 28 of the 1992 Act, the secretary of the society shall be deemed for all the purposes of the 1992 Act to be the chief executive of the society until the specified date or until the expiry of the transitional period, whichever is the earlier.

**4.** Where a registered friendly society does not on 1st January 1994 maintain a register of the names and addresses of members of the society as required by section 63A of the 1974 Act<sup>(4)</sup> it shall not be subject to the obligations imposed by section 63A until the specified date or until the expiry of the transitional period, whichever is the earlier.

**5.** Where the Chief Registrar has before 13th September 1993 approved a notice, or the terms of an advertisement, under section 82(4) of the 1974 Act by a registered friendly society which proposes to amalgamate with or to transfer its engagements to another friendly society, section 82 of the 1974 Act shall continue to apply to the proposed amalgamation or transfer of engagements without the amendments made to it by paragraph 29 of Schedule 16 to the 1992 Act or the repeals

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(4) Section 63A was inserted by paragraph 22 of Schedule 16 to the Friendly Societies Act 1992 (c. 40).

of part of it by Part I of Schedule 22 to the 1992 Act and section 86 of the 1974 Act shall continue to apply to any special resolution passed by the society under section 82(1) or (2) in relation to such amalgamation or transfer of engagements without the amendments made to section 86 by paragraph 33 of Schedule 16 to the 1992 Act.

6. Where the Industrial Assurance Commissioner has before 13th September 1993 approved notice, or the terms of an advertisement, under section 82(4) of the 1974 Act by a registered friendly society, being a collecting society, which proposes to amalgamate with or to transfer its engagements to another collecting society, section 82 of the 1974 Act as modified in its application to collecting societies by section 36 of the 1923 Act<sup>(5)</sup> shall continue to apply to the proposed amalgamation or transfer of engagements notwithstanding the repeal of section 36 of the 1923 Act by Part I of Schedule 22 to the 1992 Act and shall apply without the amendments made to section 82 by paragraph 29 of Schedule 16 to the 1992 Act or the repeals of part of it by Part I of Schedule 22 to the 1992 Act.

7. A registered friendly society or branch shall continue to be subject to sections 30, 41<sup>(6)</sup> and 43 of the 1974 Act for the purposes of any revenue accounts or balance sheets due to be prepared, any quinquennial or triennial valuation due to be carried out or any annual return due to be sent to the registrar in respect of the year of account for 1993 or any previous year or, as the case may be, in respect of any period of three or five years ending on or before 31st December 1993 until the relevant steps have been taken under those sections notwithstanding the amendments made to sections 30, 41 and 43 of the 1974 Act by paragraph 12 of Schedule 16 to the 1992 Act.

8. The auditors of a registered friendly society or branch shall continue to be subject to section 38 of the 1974 Act for the purpose of any report due to be made to the society or branch in respect of the year of account for 1993 or any previous year until such report has been made notwithstanding the amendments made to section 38 by paragraph 12 of Schedule 16 to the 1992 Act.

9. A collecting society which is a registered friendly society shall send a return for the year 1993 to the Industrial Assurance Commissioner as prescribed in the Industrial Assurance (Collecting Society Returns) Regulations 1968<sup>(7)</sup> made under section 13(1) of the Industrial Assurance and Friendly Societies Act 1948<sup>(8)</sup> notwithstanding the amendment of section 13(1) of that Act by paragraph 14 of Part I of Schedule 19 to the 1992 Act.

10. A registered friendly society the value of whose specified income for the relevant year did not exceed £3,000 may, notwithstanding the amendments made to section 7(1) of the 1974 Act by paragraph 4 of Schedule 16 to the 1992 Act and the repeal of Schedule 1 to the 1974 Act by Part I of Schedule 22 to the 1992 Act, continue to provide for any of the purposes specified in Schedule 1 to the 1974 Act which it may undertake under its rules until it has altered its rules to enable it to provide for any purpose falling within Schedule 2 to the 1992 Act or until section 31 of the 1992 Act has come into force in relation to the carrying on by it of any insurance business or non-insurance business, whichever is the earlier.

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<sup>(5)</sup> Section 36 was amended by paragraph 5 of Schedule 9 to the Friendly Societies Act 1974 (c. 46).

<sup>(6)</sup> Section 41 was modified by the Friendly Societies (Valuation) Regulations 1985 S.I. 1985/1919, amended by S.I. 1988/1959.

<sup>(7)</sup> S.I. 1968/1585.

<sup>(8)</sup> 11 and 12 Geo. 6 c.39; section 13(1) was amended for purposes related to incorporated collecting societies by paragraph 14 of Schedule 19 to the Friendly Societies Act 1992 (c. 40).

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

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8 September 1993

*Kenneth Clarke*  
*Irvine Patnick*  
Two of the Lords Commissioners of Her  
Majesty's Treasury