

SCHEDULE 3

PART II

CONSEQUENTIAL AMENDMENTS, REVOCATIONS AND SAVINGS: SECONDARY LEGISLATION

The Industrial Assurance (Individual Transfer) Regulations 1928 (S.I.1928/580)

15. The Industrial Assurance (Individual Transfer) Regulations 1928 have effect after commencement in relation to the Channel Islands.

The Industrial Assurance (Premium Receipt Books) Regulations 1948 (S.I. 1948/2270)

16. The Industrial Assurance (Premium Receipt Books) Regulations 1948 have effect after commencement in relation to the Channel Islands.

The Reserve and Auxiliary Forces (Protection of Industrial Assurance &c Policies) Regulations 1951 (S.I. 1951/1407)

17.—(1) The Reserve and Auxiliary Forces (Protection of Industrial Assurance &c Policies) Regulations 1951 are amended as follows.

(2) In paragraph (2) of regulation 1—

- (a) commit the definition of “the Commissioner”;
- (b) before the definition of “owner” insert—

““the ombudsman” means a person who—

- (a) is a member of the panel established under paragraph 4 of Schedule 17 to the Financial Services and Markets Act 2000, to act as ombudsmen for the purposes of the ombudsmen scheme, and
- (b) has considered or determined an application made to the ombudsman scheme under Part VI of the Act;

“the ombudsman scheme” has the same meaning as in the Financial Services and Markets Act 2000;”.

(3) After paragraph (3) of regulation 2 insert—

“(4) In relation to a notice served under section 23 of the Industrial Assurance Act 1923 after the 30th November 2001, references in these Regulations to section 23 of the Industrial Assurance Act 1923 are references to that section as it has effect (notwithstanding the repeal of the 1923 Act) by virtue of the Financial Services and Markets Act 2000 (Consequential Amendments and Savings) (Industrial Assurance) Order 2001.”.

(4) In paragraphs (1) and (2) of regulation 3 for “the Commissioner” substitute “the ombudsman scheme”.

(5) In regulation 6—

- (a) for “the Commissioner” substitute “the ombudsman scheme”;
- (b) for “addressed to him at 17, North Audley Street, London, W.1,” substitute “sent to the Financial Ombudsman Service at South Quay Plaza, 183 Marsh Wall, London E14 9SR,”; and

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- (c) for “the appeal is made” substitute “the complaint is made”.
- (6) In regulation 7—
 - (a) for “on appeal being duly made” substitute “on a complaint being duly made”;
 - (b) for “the Commissioner” substitute “the ombudsman”;
 - (c) for “he may make an order requiring” substitute “he make direct”;
 - (d) for “the appellant” substitute “the complainant”.
- (7) In regulation 8—
 - (a) in paragraph (1)(a) for “a right to appeal to the Commissioner” substitute “a right to make a complaint to the ombudsman scheme”;
 - (b) in paragraph (1)(b) for “appeal” substitute “complaint”; and
 - (c) for paragraph (2), substitute—

“(2) For the purpose of the preceding paragraph an application or complaint shall be deemed to be pending where the application or complaint has been duly made and the applicant or complainant has not been notified in the form provided for by the Regulations of the decision of the company or society, or notified of the determination of the ombudsman.”.
- (8) In regulation 9—
 - (a) for the words from the beginning of the regulation to the end of the paragraph (b), substitute—

“Where, in relation to any policy of assurance to which section 54 of the Act applies, the time for making an application to the company or society or for making a complaint to the ombudsman scheme has expired, the owner of the policy, or anyone on his behalf, may refer a complaint to the ombudsman scheme, and if it appears to the ombudsman that—

 - (a) there were good reasons for the failure to make the application to the company or society or to make the complaint to the ombudsman scheme within the required time and there has been no undue delay in referring a complaint under this regulation; and
 - (b) if an application or a complaint had been made within the said time it would have been granted or determined in favour of the complainant,”;
 - (b) for “he may make an order requiring” substitute “he may direct”;
 - (c) for “appeal” substitute “complaint”; and
 - (d) for “allowed” substitute “determined in favour of the complainant”.
- (9) In the Schedule to the Regulations, in Form A, B, C, D and E(1)—
 - (a) for “the Friendly Societies Commission at 17, North Audley Street, London W.1” substitute “the Financial Ombudsman Service at South Quay Plaza, 183 Marsh Wall, London E14 9SR”; and
 - (b) for “the Commission” substitute “the ombudsman scheme”.

(1) In Forms A, B, C, D and E the references to the Friendly Societies Commission and the Commission were substituted by S.I. 1995/710, regulation 5.

The Reserve and Auxiliary Forces (Protection of Friendly Society Life Policies) Regulations 1951 (S.I. 1951/1408)

18.—(1) The Reserve and Auxiliary Forces (Protection of Friendly Society Life Policies) Regulations 1951 are amended as follows.

(2) In paragraph (2) of regulation 1—

- (a) omit the definition of “Chief Registrar”, and
- (b) before the definition of “owner” insert—

““the ombudsman” means a person who—

- (a) is a member of the panel established under paragraph 4 of Schedule 17 to the Financial Services and Markets Act 2000, to act as ombudsmen for the purposes of the ombudsman scheme, and
- (b) has considered or determined an application made to the ombudsman scheme under Part VI of the Act;

“the ombudsman scheme” has the same meaning as in the Financial Services and Markets Act 2000;”.

(3) In regulation 5—

- (a) for “An appeal to the Chief Registrar” substitute “A complaint to the ombudsman scheme”; and
- (b) for “addressed to him at 17, North Audley Street, London W.1,” substitute “sent to the Financial Ombudsman Service at South Quay Plaza, 183 Marsh Wall, London E14 9SR,”.

(4) In regulation 6, for the words from the beginning to “he shall make an order” substitute “Where the ombudsman determines a complaint duly made under subsection (3) of section 55 in favour of the complainant, the determination shall include a direction”.

(5) In regulation 7—

- (a) for the words from the beginning of the regulation to the end of paragraph (b), substitute—

“Where, in relation to any policy to which section 55 of the Act applies, the time for making an application to the society or a complaint to the ombudsman scheme has expired, the owner of the policy, or anyone on his behalf, may refer a complaint to the ombudsman scheme, and if it appears to the ombudsman that—

 - (a) there were good reasons for the failure to make the application to the society or to make the complaint to the ombudsman scheme within the required time and there has been no undue delay in referring a complaint under this regulation; and
 - (b) if an application to the society of a complaint to the ombudsman scheme had been made within the said time it would have been granted or determined in favour of the complainant;”;
- (b) for “he may make an order directing” substitute “he may direct”;
- (c) for “appeal” substitute “complaint”; and
- (d) for “allowed” substitute “determined in favour of the complainant”.

(6) In the Schedule—

- (a) for “the Chief Registrar of Friendly Societies, at 17, North Audley Street, London W1” substitute “to the Financial Ombudsman Service at South Quay Plaza, 183 Marsh Wall, London E14 9SR”; and

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- (b) for “If you decide to appeal you should write to the Chief Registrar” substitute “If you decide to make a complaint you should write to the ombudsman scheme”.

The Industrial Assurance (Decimal Currency) Regulations 1970 (S.I. 1970/931)

19. Regulation 1 of the Industrial Assurance (Decimal Currency) Regulations 1970 is amended as follows—

- (a) at the beginning of paragraph (2) of that regulation insert “Subject to paragraph (2A),”;
- (b) after paragraph (2) insert—
- “(2A) The definitions in paragraph (2B) apply for the purposes of any provision of these Regulations which makes provision in relation to the amount payable in respect of any payment to which these Regulations apply, where that payment falls due on or after 1st December 2001.

(2B) For the purposes of any provision of the kind mentioned in paragraph (2A)—

“collecting society” means a friendly society which after the repeal of the Industrial Assurance Act 1923 is subject to an existing liability or a liability which may accrue under a contract—

- (a) which was effected in the course of industrial assurance business, and
- (b) in respect of which a payment to which these Regulations apply falls due on or after 1st December 2001;

“industrial assurance company” means a person, other than a friendly society, who after the repeal of the Industrial Assurance Act 1923 is subject to an existing liability or a liability which may accrue under any contract—

- (a) which was effected in the course of industrial assurance business, and
- (b) in respect of which a payment to which these Regulations apply falls due on or after 1st December 2001.

(2C) For the purposes of paragraph (2B) “industrial assurance business” means business which, at the time the contract in question was effected, fell within section 1(2) of the Industrial Assurance Act 1923.”.

The Friendly Societies (Decimal Currency) Regulations 1970 (S.I. 1970/932)

20. Regulation 1 of the Friendly Societies (Decimal Currency) Regulations 1970 is amended as follows—

- (a) at the beginning of paragraph (2) insert “Subject to paragraph (2A),”;
- (b) after paragraph (2) insert—
- “(2A) The definitions in paragraph (2B) apply for the purposes of any provision of these Regulations which makes provision in relation to the amount payable in respect of any payment to which these Regulations apply, where that payment falls due on or after 1st December 2001.

(2B) For the purposes of any provision of the kind mentioned in paragraph (2A)—

“friendly society” has the same meaning as in section 116 of the Friendly Societies Act 1992, but does not include a collecting society; and

- “collecting society” means a friendly society which—
- (a) immediately before the repeal of the Industrial Assurance Act 1923 carried on industrial assurance business, within the meaning of section 1 of that Act, and

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- (b) after the repeal of that Act is subject to an existing liability or a liability which may accrue under a contract which was effected in the course of that industrial assurance business.”.

*The Industrial Assurance (Premium Receipt Books)
(Decimal Currency) Regulations 1979 (S.I. 1970/1012)*

21. The Industrial Assurance (Premium Receipt Books) (Decimal Currency) Regulations 1979 are revoked.

The Registration of Births and Deaths Regulations 1987 (S.I. 1987/2088)

22. Regulation 68 of the Registration of Births and Deaths Regulations 1987 (certificates of death for certain purposes) is amended as follows—

- (a) in paragraph (1), (3) and (4) omit “of Schedule 1 to the 1948 Act and”; and
- (b) in paragraph (7) omit sub-paragraph (a).

The Financial Services and Markets Act 2000 (Mutual Societies) Order 2001 (S.I. 2001/2617)

23. Sub-paragraph (a) of paragraph 105 of Schedule 3 to the Financial Services and Markets Act 2000 (Mutual Societies) Order 2001 (amendments to the Friendly Societies Act 1992) is revoked, and the words omitted by that sub-paragraph are to be treated as if they had not been omitted.