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STATUTORY INSTRUMENTS

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**2001 No. 3649**

The Financial Services and Markets Act 2000  
(Consequential Amendments and Repeals) Order 2001

PART 6

ENACTMENTS RELATING TO MUTUAL SOCIETIES

CHAPTER I

primary legislation

*Superannuation and Other Trust Funds (Validation) Act 1927 (c. 41)*

**Amendments consequential on dissolution of Registrar of Friendly Societies**

**178.**—(1) The Superannuation and other Trust Funds (Validation) Act 1927 is amended as follows.

(2) In the following sections for the word “registrar” (wherever it appears), substitute “Authority”; for the word “he” (wherever it appears) substitute “it” and for the word “his” (wherever it appears) substitute “its”—

- (a) section 3(1), 3(2), 3(3), 3(4) and 3(5);
- (b) section 4(1) and 4(2);
- (c) section 5(2);
- (d) the side heading to section 6 and section 6(1).

(3) Section 3(6) is repealed.

(4) In section 6(2) (supplementary provisions as to powers of registrar) for the words “Chief Registrar, or in Scotland the assistant registrar for Scotland” substitute “Authority” and for the word “he” substitute “it”.

(5) In section 7 (penalties for default) for the word “registrar” (wherever it appears) substitute “Authority”.

(6) In section 8 (interpretation)—

- (a) for the definition of “actuary”(1) substitute—

““Actuary” means a person who satisfies the requirements which are specified by the Authority for the purposes of section 340(6) of the Financial Services and Markets Act 2000 in so far as that subsection relates to actuaries;”;
- (b) the definition of “Chief Registrar” and “Registrar” is repealed; and
- (c) after the definition of “auditor” insert—

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(1) The definition of “actuary” was amended by the Friendly and Industrial and Provident Societies Act 1968 (c. 55), Schedule 1 paragraph 9.

““Authority” means the Financial Services Authority;”.

(7) Section 10 (reports to Parliament) is repealed.

*Industrial and Provident Societies Act 1965 (c. 12)*

**Cancellation of registration of society**

**179.**—(1) In section 16(1) of the Industrial and Provident Societies Act 1965(2) (cancellation of registration of society), the words “by writing under his hand or seal or, in Scotland” are repealed.

(2) In the Financial Services and Markets Act 2000 (Mutual Societies) Order 2001(3), paragraph 218(a) of Schedule 3 is revoked.

**Advertising dissolution of society**

**180.** In section 58(6) of the Industrial and Provident Societies Act 1965(4) (instrument of dissolution) the words “at the expense of the society” are repealed.

**Power to make regulations**

**181.**—(1) Section 71 of the Industrial and Provident Societies Act 1965 is repealed.

(2) In sections 2(3) and 10(3), for the words from “in the prescribed form” to the end substitute “bearing the Authority’s seal”.

**Depositing of documents**

**182.** For section 72(1) of the Industrial and Provident Societies Act 1965(5) (form, deposit and evidence of documents), substitute—

“Every return and other document required for the purposes of this Act shall be made in such form, shall contain such particulars and shall be deposited in such manner as the Authority may direct and the Authority shall register and record those documents with such observations thereon (if any) as it considers appropriate.”

*Industrial and Provident Societies Act 1967 (c. 48)*

**References to regulations made by Treasury**

**183.**—(1) The Industrial and Provident Societies Act 1967 is amended as follows.

(2) In section 1(2)(a) (charges on assets of English and Welsh societies) for the words “in the prescribed manner” substitute “in the manner directed by the Authority” and for the words “as may be prescribed” substitute “as may be required by the Authority”.

(3) In section 1(3)—

(a) for the words “in the prescribed form” in paragraph (a) substitute “bearing the Authority’s seal”;

(b) the word “prescribed” in paragraph (b) is repealed;

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(2) Section 16 was amended by [S.I. 1996/1738](#) and by [S.I. 2001/2617](#), Schedule 3, paragraph 218 (in addition to the amendment revoked by this article).

(3) [S.I. 2001/2617](#).

(4) Amended by [S.I. 2001/2617](#), Schedule 3, paragraph 215(i).

(5) Section 72 was amended by [S.I. 2001/2617](#), Schedule 3, paragraph 215.

- (c) the words after paragraph (c) are repealed.
- (4) In section 1(4)—
  - (a) for the words “to make regulations” substitute “to give directions”;
  - (b) for the words “section 71” substitute “section 72”;
  - (c) for the words “regulations under that section may” substitute “the Authority may, under that section”.
- (5) In section 4(1) (filing of information relating to charges)—
  - (a) in paragraph (a), for the words “in the prescribed manner” substitute “in the manner directed by the Authority”;
  - (b) in paragraph (b), for the words “as may be prescribed” substitute “as may be required by the Authority”.
- (6) In section 4(3)(a) for the words “in the prescribed form” substitute “bearing the Authority’s seal”.
- (7) Section 4(4) is repealed.
- (8) In section 5(1) (supplemental provisions)—
  - (a) for the words “to make regulations” substitute “to give directions”;
  - (b) for the words “section 71” substitute “section 72”;
  - (c) for the words “regulations under that section may” substitute “the Authority may, under that section”.
- (9) In section 7 (interpretation, etc general)—
  - (a) the word “prescribed” in subsection (1) is repealed;
  - (b) the words “, 71” and “, regulations” are repealed.

*Friendly and Industrial and Provident Societies Act 1968 (c. 55)*

**Power of societies to disapply obligation to appoint auditors**

**184.**—(1) Section 4A of the Friendly and Industrial and Provident Societies Act 1968(6) (power of societies to disapply section 4) is amended as follows.

(2) In subsection (3)(e) the words “within the meaning of the Banking Act 1987” are repealed.

(3) After subsection (8), insert—

“(9) In subsection (3), the reference to a deposit must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section;
- (c) Schedule 2 to that Act.”.

**Interpretation**

**185.** In section 21 of the Friendly and Industrial and Provident Societies Act 1968 (interpretation), in the definition of “annual return”(7) for the words “appropriate registrar” substitute “Authority”.

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(6) Section 4A was inserted by S.I. 1996/1738 article 8(1).

(7) The definition of “annual return” in section 21 has been amended by the Friendly Societies Act 1974 (c. 46) Schedule 11.

### *Friendly Societies Act 1974 (c. 46)*

#### **Power of societies to disapply obligation to appoint auditors**

**186.**—(1) Section 32A of the Friendly Societies Act 1974<sup>(8)</sup> (power of societies to disapply section 31) is amended as follows.

(2) In subsection (3) the words “within the meaning of the Banking Act 1987” are repealed.

(3) After that subsection, insert—

“(3A) In subsection (3) the reference to a deposit must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section;
- (c) Schedule 2 to that Act.”.

#### **References to Chief Registrar etc.**

**187.**—(1) In sections 82(5)<sup>(9)</sup>, 84(3) and 84A(6)<sup>(10)</sup> of the Friendly Societies Act 1974, for the words from “Chief Registrar or,” to the end substitute “Authority”.

(2) In Schedule 3 to the Financial Services and Markets Act 2000 (Mutual Societies) Order 2001, paragraphs 27, 29(b) and 30 are revoked.

#### **Regulations with respect to registration and procedure**

**188.** Section 109(1)(a) of the Friendly Societies Act 1974 (Regulations) is repealed.

#### **Advertising dissolution of society**

**189.** In section 94(7)<sup>(11)</sup> of the Friendly Societies Act 1974 (instrument of dissolution), the words “at the expense of the society or branch” are repealed.

#### **Requirements for rules of registered societies**

**190.**—(1) Schedule 2 to the Friendly Societies Act 1974 (matters to be provided for by the rules of societies registered under that Act) is amended as follows.

(2) In sub-paragraph (2) of paragraph 11, the words “within the meaning of the Insurance Companies Act 1974” are repealed.

(3) After that sub-paragraph insert—

“(2A) In sub-paragraph (2) “long-term business” has the meaning given by section 117(2) of the Friendly Societies Act 1992.”.

### *Credit Unions Act 1979 (c. 34)*

#### **General prohibition on deposit taking**

**191.** In section 8(2) of the Credit Unions Act 1979<sup>(12)</sup> (general prohibition on deposit taking) for the words “has the meaning given in section 5 of the Banking Act 1987” substitute—

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<sup>(8)</sup> Section 32A was inserted by [S.I. 1996/1738](#) article 10(1) and amended by [S.I. 2001/2617](#), Schedule 3, paragraph 13.

<sup>(9)</sup> Section 85(5) has been amended by the Friendly Societies Act 1992 ([c. 40](#)), Schedule 22 Part I.

<sup>(10)</sup> Section 84A was inserted by the Friendly Societies Act 1992, Schedule 16 paragraph 32.

<sup>(11)</sup> Section 94(7) has been amended by [S.I. 2001/2617](#) Schedule 3 paragraph 38(b).

<sup>(12)</sup> Subsection (2) of section 8 was substituted by the Banking Act 1987 section 108(1), Schedule 6 paragraph 7(1).

“must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.”.

### **Insurance against fraud or other dishonesty**

**192.**—(1) Section 15 of the Credit Unions Act 1979 (insurance against fraud or other dishonesty) is amended as follows.

(2) In subsection (2), for paragraph (d) substitute—

“(d) must be issued by—

- (i) a person who has a permission under Part IV of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance of a relevant class, or
- (ii) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance of a relevant class.”.

(3) After subsection (3) insert—

“(3A) Paragraph (d) of subsection (2) above must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.”.

### **Definition of “authorised bank”**

**193.**—(1) Section 31(1) of the Credit Unions Act 1979 (interpretation) is amended as follows.

(2) In subsection (1), for paragraph (a) of the definition of “authorised bank”**(13)** substitute—

“(a) a person who has permission under Part IV of the Financial Services and Markets Act 2000 to accept deposits;

(ab) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to accept deposits;

(ac) a municipal bank, that is to say a company which, immediately before the coming into force of this provision, fell within the definition in section 103 of the Banking Act 1987;”.

(3) After subsection (1) insert—

“(1A) Paragraphs (a) and (ab) of the definition of “authorised bank” in subsection (1) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.”.

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**(13)** The definition of “authorised bank” in section 31(1) was substituted by the Banking Act 1987 (c. 22), Schedule 6 paragraph 7.

*Building Societies Act 1986 (c. 53)*

**Lending limit for building societies**

**194.**—(1) Section 6(14) of the Building Societies Act 1986 (the lending limit) is amended as follows.

(2) In paragraph (c) of the definition of X in subsection (2), for the words “insurance companies within the meaning of the Insurance Companies Act 1982” substitute “effecting or carrying out contracts of insurance”.

(3) For subsection (12), substitute—

“(12) In this section “long term insurance funds”, in relation to an undertaking effecting or carrying out contracts of insurance, means funds maintained by it—

- (a) in accordance with asset identification rules (within the meaning of section 142(2) of the Financial Services and Markets Act 2000) in respect of its business in effecting or carrying out contracts of long term insurance; or
- (b) where it is incorporated in a country or territory outside the United Kingdom, under the corresponding provisions of the law of that country or territory.”.

(4) After subsection 12, insert—

“(12A) The definition of X in subsection (2) and subsection (12) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.”.

**Restrictions on powers of building societies**

**195.**—(1) Section 9A of the Building Societies Act 1986(15) (restrictions on certain transactions) is amended as follows.

(2) In subsection (5)—

(a) for paragraphs (a) and (b) substitute—

- “(a) as a person who has permission under Part IV of the Financial Services and Markets Act 2000 to effect or carry out contracts of long-term insurance, or
- (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of long-term insurance.”;

(b) the words after paragraph (b) to the end are repealed.

(3) In subsection (9)—

(a) in the definition of “collective investment scheme” for the words “Financial Services Act 1986” substitute “Financial Services and Markets Act 2000”;

(b) for the definition of “derivative investment” substitute—

““derivative investment” means an investment of the following kinds—

- (a) instruments giving entitlements to investments;
- (b) options;

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(14) Section 6 was substituted by the Building Societies Act 1997 (c. 32), section 4 and amended by S.I. 2001/2617 Schedule 3 paragraph 134.

(15) Section 9A was inserted by the Building Societies Act 1997, section 10 and amended by S.I. 2001/1826 and S.I. 2001/2617.

- (c) futures;
  - (d) contracts for differences;”.
- (4) After subsection (9) insert—
- “(9A) Subsection (5) and the definition of “derivative investment” in subsection (9) must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000;
  - (b) any relevant order under that section; and
  - (c) Schedule 2 to that Act;”.

### **Transfers of business by building society to company**

**196.**—(1) Section 98(16) of the Building Societies Act 1986 (transfers of business; supplementary provisions) is amended as follows.

(2) In section 98(3)(c), for the words “become or,” to the end substitute—  
“have—

- (i) such permission under Part IV of the Financial Services and Markets Act 2000, or
- (ii) such permission under paragraph 15 of Schedule 3 to that Act (as a result of qualifying for authorisation under paragraph 12 of that Schedule),

as will enable it to carry on the business which it will have as a result of the transfer without being taken (by virtue of section 20 of that Act) to have contravened a requirement imposed on it by the Authority under that Act; or”.

### **Financial institution becoming subsidiary of building society**

**197.**—(1) Section 101 of the Building Societies Act 1986(17) (protective provisions for specially formed successors) is amended as follows.

(2) In subsection (4)(a)—

- (a) for the words “financial institution” substitute “person who is an authorised person within the meaning of section 31 of the Financial Services and Markets Act 2000”;
- (b) for the words “an institution” substitute “a person”.

(3) In subsection (6), the definition of “financial institution” is repealed.

### **Definition of “institution” and “deposit”**

**198.**—(1) Section 107 of the Building Societies Act 1986(18) (restriction of use of certain names and descriptions) is amended as follows.

(2) For subsection (12)(19) substitute—

“(12) In this section—

“deposit” must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and

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(16) Section 98(3) was amended by the Banking Act 1987 (c. 22) Schedule 6 paragraph 26, by the Building Societies Act 1997, section 30 and by S.I. 2001/2617, Schedule 3 paragraph 181(b).

(17) Section 101 was substituted by the Building Societies Act 1997 (c. 32) section 41.

(18) Section 107 was amended by S.I. 2001/2617.

(19) Subsection (12) was amended by the Banking Act 1987 (c. 22), Schedule 6 paragraph 26.

- (c) Schedule 2 to that Act;
- “institution” means—
  - (a) a body corporate wherever incorporated;
  - (b) a partnership formed under the law of any part of the United Kingdom;
  - (c) a partnership or other unincorporated association of two or more persons formed under the law of a member State other than the United Kingdom.”.

### **Repeal of unnecessary provisions etc.**

- 199.**—(1) Section 119 of the Building Societies Act 1986 is amended as follows.
- (2) In subsection (1) after the definition of “ordinary resolution” insert—
    - ““own funds” means own funds as defined in Section 1 of Chapter 2 of Title V of the Banking Consolidation Directive;”.
  - (3) In subsection (1) the definition of “currency” is repealed<sup>(20)</sup>.
  - (4) Subsections (2A) and (2C) are repealed<sup>(21)</sup>.

### **Application of companies insolvency legislation to building societies**

- 200.**—(1) In Schedule 15 to the Building Societies Act 1986, in paragraph 3(2), before paragraph (a) insert—
- “(aa) every reference to a company registered in Scotland shall have effect as a reference to a building society whose principal office is situated in Scotland;”.
- (2) In Schedule 15A<sup>(22)</sup> to the Building Societies Act 1986, in paragraph 2(2) before paragraph (a) insert—
- “(aa) every reference to a company registered in Scotland shall have effect as a reference to a building society whose principal office is situated in Scotland;”.
- (3) Paragraphs 209(b) and 210(b) of Schedule 3 to the Financial Services and Markets Act 2000 (Mutual Societies) Order 2001 are revoked.

### *Friendly Societies Act 1992 (c. 40)*

### **Transfers of engagements**

- 201.**—(1) Section 86 of the Friendly Societies Act 1992 (transfer of engagements by or to friendly society) is amended as follows.
- (2) Subsection (1)(a) is repealed.
  - (3) In subsection (1)(d), for the words “insurance company” to the end, substitute “insurer”.
  - (4) In subsection (1)(e) for the words “paragraph (a), (b) or (c) above” substitute “paragraph (b), (c) or (d) above”.
  - (5) After subsection (11), insert—
    - “(12) In this section “insurer” means—

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<sup>(20)</sup> The definition of “currency” was inserted by the Building Societies Act 1997 (c. 32) Schedule 7 paragraph 53(1)(f).

<sup>(21)</sup> Subsections (2A) and (2C) were inserted by S.I. 1996/1669, Schedule 5 paragraph 5 and amended by S.I. 2000/2952.

<sup>(22)</sup> Schedule 15A was inserted by the Building Societies Act 1997 (c. 32) section 39 and Schedule 6 and amended by the Insolvency Act 2000 (c. 39) Schedule 2 Part II.

- (a) a person who has permission under Part IV of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance, or
  - (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance.
- (13) Subsection (12) must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000;
  - (b) any relevant order under that section; and
  - (c) Schedule 2 to that Act.”.

### **Law applicable to contracts of insurance**

**202.** The following provisions of the Friendly Societies Act 1992 are repealed (having been re-enacted in the Financial Services and Markets Act 2000 (Law Applicable to Contracts of Insurance) Regulations 2001(**23**))—

- (a) section 101 (law applicable to contracts of insurance with friendly societies)(**24**);
- (b) Schedule 20(**25**) (law applicable to certain contracts of insurance).

### **Miscellaneous amendments**

**203.**—(1) The Friendly Societies Act 1992 is amended as follows.

(2) In section 85(3) (amalgamation of friendly societies), for the words “central office” substitute “Authority”.

(3) In section 89 (power of Commission to alter requirements for transfer by friendly society) for subsection (7) substitute—

“(7) The Authority shall keep a copy of any direction given under this section in the public file of the society concerned.”.

(4) In section 90(8) (power of Commission to effect transfer of engagements) for the words from the beginning to “who” substitute “If the Authority gives a direction it shall keep a copy of that direction and”.

(5) In section 104 (public file of a friendly society)—

- (a) in subsection (1)(b) for the words “on payment of the fee prescribed under section 114 below”, substitute “subject to subsection (2A) below”;
- (b) in subsection (2) for the words “on payment of the fee so prescribed” substitute “subject to subsection (2A) below”.

(6) In Schedule 3 to the Financial Services and Markets Act 2000 (Mutual Societies) Order 2001, paragraphs 99(b), 100(f) and 108(b) are revoked.

### **Form of documents**

**204.**—(1) For section 114 of the Friendly Societies Act 1992 (form of documents and power to prescribe fees) substitute—

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(23) [S.I. 2001/2635](#).

(24) Section 101 was substituted by [S.I. 1993/2519](#), regulation 6(1).

(25) Schedule 20 was added by [S.I. 1993/2519](#), regulation 6(4).

(1) The Authority may, by directions under this section, make provision with respect to the form of any document to be sent to it under this Act or the 1974 Act, the particulars to be included in any such document and the procedure to be followed in sending any such document.

(2) The directions have effect subject to any other provision of or made under this Act.”.

(2) In Schedule 3 to the Financial Services and Markets Act 2000 (Mutual Societies) Order 2001, paragraph 113 is revoked.

### **Interpretation of the Friendly Societies Act 1992**

**205.**—(1) Section 117(8) of the Friendly Societies Act 1992 (meaning of “provision of insurance”) is repealed.

(2) Section 119 of the Friendly Societies Act 1992 (interpretation) is amended as follows.

(3) In the definition of “supervisory authority” in subsection (1) **(26)** for the words “insurance companies” substitute “persons whose business consists of effecting or carrying out contracts of insurance”.

(4) In subsection (1A)**(27)** for the words “Prudential Supervision Directive” to the end of that subsection substitute “European Parliament and Council Directive of 29th June 1995 amending Directives [77/780/EEC](#) and [89/646/EEC](#) in the field of credit institutions, Directives [72/239/EEC](#) and [92/96/EEC](#) in the field of non-life insurance, Directives [79/267/EEC](#) and [92/49/EEC](#) in the field of life assurance, Directive [93/22/EEC](#) in the field of investment firms and Directive [85/611/EEC](#) in the field of undertakings for collective investment in transferable securities (UCITS) with a view to reinforcing prudential supervision (No. [95/26/EC](#))”.

(5) Subsection (1B) is repealed.

(6) After subsection (1B), insert—

“(1C) In the definition of “supervisory authority” in subsection (1), the reference to contracts of insurance and to effecting or carrying out such contracts must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.”.

### **Transfer of engagements: margin of solvency**

**206.**—(1) For paragraph 13 of Schedule 15 to the Friendly Societies Act 1992 substitute—

“**13.**—(1) The Authority shall not confirm a transfer in any case where the transferee is required by section 87 above to furnish the Authority with a report unless it is satisfied (after taking the proposed transfer into account) either that the transferee will possess the margin of solvency required by rules made by the Authority under section 138 of the Financial Services and Markets Act 2000 or, where no margin of solvency is required by such rules, that the value of the transferee’s assets will exceed its liabilities.

(2) The Authority shall not confirm a transfer of any engagements the fulfilment of which will constitute effecting or carrying out contracts of insurance in the United Kingdom unless it is satisfied (after taking the proposed transfer into account) either that the transferee will possess the margin of solvency required by rules made by the Authority under section 138

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**(26)** The definition of “supervisory authority” was inserted by [S.I. 1994/1984](#), regulation 30(f).

**(27)** Subsections (1A) and (1B) were inserted by [S.I. 1996/1669](#), Schedule 5, paragraph 6.

of the Financial Services and Markets Act 2000 or, where no margin of solvency is required by such rules, that the value of the transferee's assets will exceed its liabilities.

(3) This paragraph does not apply to any transfer of engagements to which paragraph 15 or 15A below applies.

(4) The reference in sub-paragraph (2) to effecting or carrying out contracts of insurance must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.”.

(2) In paragraph 128 of Schedule 3 to the Financial Services and Markets Act 2000 (Mutual Societies) Order 2001—

- (a) in sub-paragraph (o), for the words “paragraphs 12 and 13” substitute “paragraph 12”;
- (b) sub-paragraphs (p) and (q) are revoked.

#### **Transfer of engagements: general business**

**207.**—(1) In Schedule 15 to the Friendly Societies Act 1992, paragraph 15(28) is amended as follows.

(2) In sub-paragraph (1)(c)—

(a) for paragraph (ii) substitute—

“(ii) a UK firm which has an EEA right deriving from any of the insurance directives;”;

(b) for paragraph (iii) substitute—

“(iii) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to the Financial Services and Markets Act 2000;”;

(c) paragraph (iv) is repealed;

(d) for paragraph (v) substitute—

“(v) an insurance company whose head office is in Switzerland, which has permission under Part IV of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance, which permission is not limited to reinsurance business;”.

(3) For sub-paragraph (6), substitute—

“(6) In this paragraph “the relevant authority” means—

- (a) if the transferee falls within paragraph (1)(c)(iii), its home state regulator;
- (b) if the transferee falls within paragraph (1)(c)(v), the supervisory authority in Switzerland;
- (c) if the transferee falls within paragraph (1)(c)(vi), the Authority or other supervisory body responsible for the supervision;
- (d) in any other case, the Authority.”.

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(28) Paragraph 15 was substituted by [S.I. 1994/1984](#), Schedule 4, paragraph 3 and amended by [S.I. 1997/2849](#) regulations 3, 5, and Schedule and by [S.I. 2001/2617](#).

### **Transfer of engagements: long term business**

**208.**—(1) In Schedule 15 to the Friendly Societies Act 1992, paragraph 15A(29) is amended as follows.

(2) In sub-paragraph (1)(c)—

(a) for paragraph (ii) substitute—

“(ii) a UK firm which has an EEA right deriving from any of the insurance directives;”;

(b) for paragraph (iii) substitute—

“(iii) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to the Financial Services and Markets Act 2000;”;

(c) paragraph (iv) is repealed.

(3) For sub-paragraph (6), substitute—

“(6) In this paragraph “the relevant authority” means—

(a) if the transferee falls within paragraph (1)(c)(iii), its home state regulator;

(b) if the transferee falls within paragraph (1)(c)(v), the Authority or other supervisory body responsible for the supervision;

(c) in any other case, the Authority.”.

### **Transfer of engagements: interpretation**

**209.** In paragraph 18(30) of Schedule 15 to the Friendly Societies Act 1992 for the words “the Insurance Companies Act 1982” substitute “Schedule 3 to the Financial Services and Markets Act 2000”.

## CHAPTER II

### subordinate legislation

#### *Enactments relating to friendly societies*

### **Revocation of redundant provisions**

**210.** The following enactments are revoked—

(a) the Friendly Societies (Fees) Order 1971 (S.I. 1971/1900);

(b) the Friendly Societies Regulations 1975 (S.I. 1975/205);

(c) the Friendly Societies Act 1992 (Consequential Provisions) (No 2) Regulations 1993 (S.I. 1993/1187);

(d) the Friendly Societies Appeal Tribunal Regulations 1993 (S.I. 1993/2002);

(e) the Friendly Societies (Qualifications of Actuaries No 2) Regulations 1993 (S.I. 1993/2518);

(f) the Friendly Societies (Auditors) Order 1994 (S.I. 1994/132)(31);

(g) the Friendly Societies (Insurance Business) Regulations 1994 (S.I. 1994/1981);

(h) The Friendly Societies (Authorisation) Regulations 1994 (S.I. 1994/1982);

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(29) Paragraph 15A was inserted by S.I. 1993/2519 regulation 5, substituted by S.I. 1994/1984, regulation 25, Schedule 4, paragraph 4 and has been amended by S.I. 1997/2849 and S.I. 2001/2617.

(30) Paragraph 18 was substituted by S.I. 1994/1984, regulation 25, Schedule 4 paragraph 7 and has been amended by S.I. 1997/2849 and S.I. 2001/2617.

(31) Modified by S.I. 1996/1669

- (i) the Friendly Societies (Activities of a Subsidiary) Order 1995 (S.I. 1995/3062);
- (j) The Friendly Societies (Insurance Business) (Amendment) Regulations 1996 (S.I. 1996/3008);
- (j) the Friendly Societies (Activities of a Subsidiary) Order 1996 (S.I. 1996/3009);
- (k) the Friendly Societies (Insurance Business) (Amendment) Regulations 1997 (S.I. 1997/966);
- (l) the Friendly Societies (Activities of a Subsidiary) Order 1998 (S.I. 1998/2328);
- (m) the Friendly Societies (Activities of a Subsidiary) (No 2) Order 1998 (S.I. 1998/2696);
- (n) the Friendly Societies (Insurance Business) (Amendment) Regulations 1998 (S.I. 1998/3034);
- (o) the Friendly Societies (Insurance Business) (Amendment) Regulations 2000 (S.I. 2000/1700);
- (p) the Friendly Societies (General Charge and Fees) Regulations 2001 (S.I. 2001/816).

#### **Revocation of references to dissolved bodies, repealed legislation etc.**

**211.**—(1) In the Friendly Societies Act 1992 (Commencement No 3 and Transitional Provisions) Order 1993 (S.I. 1993/16)—

- (a) in article 1(2) (interpretation), the definitions of “assistant registrar”, “Chief Registrar”, “Commission” and “registrar” are revoked; and
- (b) articles 5, 7 and 9 (transitional provisions) are revoked.

(2) In the Friendly Societies Act 1992 (Transitional and Consequential Provisions and Savings) Regulations 1993 (S.I. 1993/932)—

- (a) in regulation 2 (interpretation), the definitions of “the 1987 Regulations”, “incorporated friendly society” and “registrar” are revoked; and
- (b) regulations 3 to 5 (transitional provisions) are revoked.

(3) In the Friendly Societies Act 1992 (Commencement No 6 and Transitional Provisions) Order 1993 (S.I. 1993/2213)—

- (a) in article 1(2), the definition of “Industrial Assurance Commissioner” is revoked; and
- (b) article 6 is revoked.

(4) Article 7 of the Friendly Societies Act 1992 (Commencement No 7 and Transitional Provisions and Savings) Order 1993 (S.I.1993/3226) is revoked.

(5) In regulation 9 (associated bodies) of, and paragraph 12 of Schedule 3 to, the Friendly Societies (Accounts and Related Provisions) Regulations 1994 (S.I. 1994/1983), for “Commission” substitute “Authority”.

(6) In the Friendly Societies Act 1992 (Transitional and Consequential Provisions) Regulations 1995 (S.I. 1995/710), regulations 3 and 5 are revoked.

#### *Enactments relating to building societies*

#### **Revocation of redundant provisions**

**212.** The following enactments are revoked—

- (a) the Building Societies Appeal Tribunal Regulations 1987 (S.I. 1987/891)(32);

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(32) Amended by S.I. 1993/983 and S.I. 1999/678.

- (b) the Building Societies (Designation of Prescribed Regulatory Authorities) Order 1988 (S.I. 1988/630);
- (c) the Building Societies Appeal Tribunal (Amendment) Regulations 1993 (S.I. 1993/983);
- (d) The Building Societies (Auditors) Order 1994 (S.I. 1994/525)(33);
- (e) The Building Societies (Designation of Prescribed Regulatory Authorities) Order 1997 (S.I. 1997/2302);
- (f) The Building Societies (General Charge and Fees) Regulations 2001 (S.I. 2001/815).

#### **Revocation or amendment of references to dissolved bodies, repealed legislation etc.**

**213.**—(1) In the Building Societies Act 1986 (Rules and Miscellaneous Transitional Provisions) Order 1986 (S.I. 1986/2168), articles 3(4) and (5), 4, 10 and 11 are revoked.

(2) In the Building Societies Act 1986 (Powers and Miscellaneous Transitional Provisions) Order 1986 (S.I. 1986/2169), the definition of “the registrar” in article 2 and articles 4, 8 and 11 are revoked.

(3) In regulation 2 of, and paragraph 28 of Part I of Schedule 1 to, and Schedule 3 to, the Building Societies (Transfer of Business) Regulations 1998 (S.I. 1998/212), for “Building Societies Commission” in each place those words appear, substitute “Authority”.

(4) In regulation 6 of, and Schedule 4 to, the Building Societies (Accounts and Related Provisions) Regulations 1998 (S.I. 1998/504)(34), for “Commission”, substitute “Authority”.

(5) In regulation 3 of the Building Societies (Business Names) Regulations 1998 (S.I. 1998/3186) and in the cross-heading before that regulation, for “Commission” substitute “Authority”.

(6) In regulation 2 of, and the Schedule to, the Building Societies (Merger Notification Statement) Regulations 1999 (S.I. 1999/1215), for “Building Societies Commission” in each place those words appear, substitute “Authority”.

#### **Building Societies (Deferred Shares) Order 1991**

**214.** The Building Societies (Deferred Shares) Order 1991 (S.I. 1991/701) is amended as follows—

- (a) for article 3(2), substitute—

“(2) The condition mentioned in paragraph (1) of this article is that—

- (a) the document containing the issue terms, or where the issue terms are contained in a series of documents, one of those documents, being in either case a document which is furnished to every applicant for the shares (“the issue document”), and every document evidencing title to the shares (“the title document”), contains a prominent statement to the effect that the shares are deferred shares for the purposes of section 119 of the Act;
- (b) where the issue document was issued before 1st December 2001 or where the title document evidences title obtained before that date, that document contains a prominent statement to the effect that the shares are not protected investments for the purposes of payments out of the Building Societies Investor Protection Fund; and
- (c) where the issue document was issued on or after 1st December 2001 or where the title document evidences title obtained on or after that date, that document contains a prominent statement stating whether or not the shares are

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(33) Modified by S.I. 1996/1669.

(34) Amended by S.I. 1999/248.

- an investment in respect of which a claim may be entertained by the Financial Services Compensation Scheme.”; and
- (b) in the Schedule, for “Commission” substitute “Authority”.

*Enactments relating to industrial and provident societies and credit unions*

**Revocation of redundant provisions**

**215.** The following enactments are revoked—

- (a) the Industrial and Provident Societies (Forms and Procedure) Regulations 1996 ([S.I. 1996/3121](#));
- (b) the Industrial and Provident Societies (Fees) Regulations 2001 ([S.I. 2001/813](#));
- (c) the Industrial and Provident Societies (Credit Unions) Regulations 1979 ([S.I. 1979/937](#));
- (d) the Industrial and Provident Societies (Credit Unions) (Fees) Regulations 2001 ([S.I. 2001/814](#)).