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STATUTORY INSTRUMENTS

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**2011 No. 593**

**The Mutual Societies (Electronic Communications) Order 2011**

**PART 3**

**Friendly societies**

*Communications by and with societies*

**Electronic transmission of annual accounts etc.**

7. After section 78(4) of the 1992 Act<sup>(1)</sup> (laying and furnishing of accounts and reports) insert—
- “(4A) A friendly society or registered branch is to be regarded as sending a copy of a document to a member for the purposes of subsection (3)(b) or (4)(b) if it makes the document available to the member on a website; and the end date for the purposes of section 119AB(4)(b) is the date when the duty ceases.”.

**Electronic service of notices**

8. In section 113(2) of the 1992 Act<sup>(2)</sup> (service of notices)—
- (a) omit “or” immediately after paragraph (b); and
- (b) after paragraph (c) insert—
- “; or
- (d) by sending it by electronic means to an electronic address notified by the person for the purpose.”.

**Use of name in electronic communications**

9. In paragraph 10 of Schedule 3 to the 1992 Act (establishment, incorporation and constitution of incorporated friendly societies)—
- (a) omit “and” immediately after sub-paragraph (1)(b);
- (b) after sub-paragraph (1)(c) insert—
- “(d) in all its business correspondence and documentation that takes electronic form; and
- (e) on all its websites.”; and
- (c) after sub-paragraph (2) insert—
- “(3) The reference in this paragraph to a society’s websites includes a reference to a section of another person’s website—

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(1) 1992 c.40; subsection (4) was amended by [S.I. 2001/2617](#) art 13(1), Sch 3 Pt 1, paras 53, 91(b) and by [S.I. 2008/1140](#) art 9, Sch 1, paras 1,4.

(2) 1992 c.40; section 113 was amended by [S.I. 2001/2617](#) art 13(1), Sch 3 Pt 1, paras 53, 112.

- (a) which relates to the society; and
- (b) which the society placed, or the placement of which the society authorised, on the other person's website.”.

### **Electronic provision of copies of rules to members**

**10.** In paragraph 13(2) of Schedule 3 to the 1992 Act (societies to supply copies of rules etc), omit “printed” in each place it appears.

### **Inclusion of electronic addresses in register of members**

**11.—(1)** In section 63A of the 1974 Act<sup>(3)</sup> (register of members of registered friendly societies)

(a) after subsection (1) insert—

“(1A) Where a member has notified to the society an electronic address for the purpose of receiving notices or documents under this Act, the requirement under subsection (1) includes a requirement to secure that the register shows—

- (a) that electronic address; and
- (b) the purposes for which it has been notified.”;

(b) after subsection (4) insert—

“(4A) Where it appears to a society that an electronic address shown on the register pursuant to subsection (1) is no longer current, the society may remove that address from the register.”; and

(c) after subsection (5) insert—

“(6) In this section, “electronic address” has the meaning it has in the 1992 Act.”.

(2) In paragraph 14 of Schedule 3 to the 1992 Act (register of members)—

(a) after sub-paragraph (1) insert—

“(1A) Where a member has notified to the society an electronic address for the purpose of receiving notices or documents under this Act, the requirement under sub-paragraph (1) includes a requirement to secure that the register shows—

- (a) that electronic address; and
- (b) the purposes for which it has been notified.”;

(b) after sub-paragraph (4) insert—

“(4A) Where it appears to an incorporated friendly society that an electronic address shown on the register pursuant to sub-paragraph (1) is no longer current, the society may remove that address from the register.”;

(c) in sub-paragraph (6)(a), insert “postal” before “address”; and

(d) in sub-paragraph (6)(b), after “some other address” insert “(not being an electronic address)”.

### **Delivery of documents held in electronic form**

**12.** In paragraph 12 of Schedule 4 to the 1992 Act (consequences of transfer), after sub-paragraph (4) insert—

(3) 1992 c.40; section 63A was inserted by the Friendly Societies Act 1992, section 95, Sch 16 para 22.

“(4A) A person required by this paragraph to deliver a document does not satisfy the requirement by sending the document in an electronic form except in so far as the document is held by that person in that electronic form.”.

#### **Electronic notification of details concerning a person’s eligibility to be a committee member**

**13.** In paragraph 3 of Schedule 11 to the 1992 Act (eligibility to be elected committee member), after sub-paragraph (3) insert—

“(3A) A friendly society is to be regarded as notifying a person for the purposes of sub-paragraph (3)(b) if it makes the information available to the person on a website; and the end date for the purposes of section 119AB(4)(b) is the day after the election.”.

#### **Electronic transmission of notice of meetings**

**14.** In paragraph 4 of Schedule 12 to the 1992 Act (notice for calling meetings), after sub-paragraph (1) insert—

“(1A) Sending the notice by electronic means to an electronic address which the member has notified for that purpose, or making the notice available to a member on a website, is to be regarded as giving the member notice for the purposes of sub-paragraph (1), unless the rules of the society or branch make express provision to the contrary.

(1B) The end date for the purposes of section 119AB(4)(b) is the date of the meeting.

(1C) If a notice calling a meeting includes an electronic address for the society or registered branch, the address is to be regarded as one to which documents or information relating to the meeting may be sent; but that is subject to such conditions or restrictions as the notice specifies.

(1D) Where notice of a meeting is given to a member by sending it to an electronic address, the notice is to be treated as given to that member on the day it is sent.

(1E) Where a notice of a meeting is given to a member by making the notice available on a website, the notice is to be treated as given on the day the member is notified in accordance with section 119AB(3).

(1F) If the notice is absent from the website for part of the period referred to in section 119AB(4), and the absence is disregarded for the purposes of section 119AB(5), that absence does not invalidate the proceedings of the meeting or resolutions passed.”.

#### **Electronic communication of resolutions requiring special notice**

**15.** In paragraph 9 of Schedule 12 to the 1992 Act (resolutions requiring special notice), after sub-paragraph (2) insert—

“(2A) Sending the notice by electronic means to an electronic address which the member has notified for that purpose, or making the notice available to a member on a website, is to be regarded as giving the member notice for the purposes of sub-paragraph (2), unless the rules of the society make express provision to the contrary.

(2B) The end date for the purposes of section 119AB(4)(b) is the date of the meeting.

(2C) If a notice calling a meeting includes an electronic address for the society, the address is to be regarded as one to which documents or information relating to the meeting may be sent; but that is subject to such conditions or restrictions as the notice specifies.

(2D) Where notice of a meeting is given to a member by sending it to an electronic address, the notice is to be treated as given to that member on the day it is sent.

(2E) Where a notice of a meeting is given to a member by making the notice available on a website, the notice is to be treated as given on the day the member is notified in accordance with section 119AB(3).

(2F) If the notice is absent from the website for part of the period referred to in section 119AB(4), and the absence is disregarded for the purposes of section 119AB(5), that absence does not invalidate the proceedings of the meeting or resolutions passed.”.

#### **Electronic transmission of statement by person ceasing to hold office**

**16.** In paragraph 14 of Schedule 14 to the 1992 Act (statement by person ceasing to hold office), after sub-paragraph (7) insert—

“(8) A society is to be regarded as sending a person a copy of the statement for the purposes of sub-paragraph (4)(a) or (7)(a) if it makes the information available to the person on a website; and the end date for the purposes of section 119AB(4)(b) is the day falling 28 days after the later of the two dates referred to in section 119AB(4)(a).”.

#### **Transfers of engagements: electronic transmission of statement to members**

**17.** In Part 1 of Schedule 15 to the 1992 Act (amalgamations, transfers of engagements and conversion: supplementary), after paragraph 4 insert—

“**4A.**—(1) A society is to be regarded as sending a member—

- (a) the statement required by paragraph 1; or
- (b) the statement required by paragraph 3,

if it makes the statement available to the member on a website; and the end date for the purposes of section 119AB(4)(b) is the day falling 28 days after the later of the two dates referred to in section 119AB(4)(a).

(2) If the statement is absent from a website for part of the period referred to in section 119AB(4), and the absence is disregarded for the purposes of section 119AB(5), that absence does not invalidate—

- (a) the proceedings of a meeting of the society,
- (b) a subsequent amalgamation of the society,
- (c) a transfer of engagements by or to the society, or
- (d) a conversion of the society into a company.”.