STATUTORY INSTRUMENTS

1975 No. 206

FRIENDLY SOCIETIES

The Friendly Societies (Northern Irish Societies) Regulations 1975

Made - - - -	*20th February* 1975
Laid before Parliament	*5th March* 1975
Coming into Operation	*1st April* 1975

The Treasury pursuant to the powers conferred upon them by subsection (2) of section 115 of the Friendly Societies Act 1974**(a)** and to all other powers enabling them in that behalf hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Friendly Societies (Northern Irish Societies) Regulations 1975 and shall come into operation on 1st April 1975.

Interpretation

2.—(1) The Interpretation Act 1889**(b)** shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) For the purposes of these Regulations, unless the context otherwise requires, the following expressions have the meanings assigned to them respectively, that is to say—

"the Act" means the Friendly Societies Act 1974;

"the central registration area" means the area consisting of England and Wales, the Channel Islands and the Isle of Man;

"registered Northern Irish society" means a society which is registered or deemed to be registered in Northern Ireland under any enactment of the Parliament of Northern Ireland or under any measure of the Northern Ireland Assembly corresponding, in either case, to the Act;

"registered society" means a society which is registered under the Act at the Central Office or by the assistant registrar for Scotland;

"special resolution" has the same meaning as in section 86(1) of the Friendly Societies Act 1974.

(3) A society registered as a specially authorised society under the law for the time being in force in Northern Ireland shall not be treated as a registered Northern Irish society for the purposes of these Regulations unless the purpose for which it is authorised in Northern Ireland is a purpose which is authorised under section 7(1)(*f*) of the Act.

(a) 1974 c. 46. **(b)** 1889 c. 63.

Modification of the Act in relation to registered Northern Irish societies

3.—(1) In section 13 of the Act, the word "society" in subsection (1), except in the second place where it occurs, shall include a registered Northern Irish society.

(2) For the purposes of section 57 of the Act a registered Northern Irish society and a branch thereof registered in Northern Ireland shall be deemed to be a society or branch registered under the Act.

Recording of rules of Northern Irish societies

4.—(1) Application may be made by a registered Northern Irish society to the Central Office or the assistant registrar for Scotland to record the rules of the society and any amendment of those rules.

(2) Every application made under this regulation shall be made in form A set out in the Schedule hereto and shall be accompanied by two authenticated copies of the rules or amendments in respect of which the application is made.

(3) On receipt of an application under this regulation the Central Office or the assistant registrar for Scotland shall record the rules or amendment of rules in respect of which the application is made by writing on each copy of the rules or amendment submitted with the application the word "Recorded" and by affixing to them the seal of the Central Office or the signature of the assistant registrar for Scotland, as the case may be, followed by the date.

5.—(1) Where the rules of a registered Northern Irish society have been recorded under regulation 4(3) above, or at the time of the coming into operation of these Regulations are recorded pursuant to section 14 of the Friendly Societies Act 1896**(a)**, then, for the purposes of the operation of the Act—

(*a*) in the central registration area, in relation to a registered Northern Irish society whose rules are so recorded by the Central Office, and

(*b*) in Scotland, in relation to a registered Northern Irish society whose rules are so recorded by the assistant registrar for Scotland,

references to a registered society or to a society in such of the provisions of the Act as are specified in paragraph (2) below shall include references to the registered Northern Irish society; and for the purpose of those provisions that society, the rules so recorded, and any registered amendment of those rules which is recorded under regulation 4(3) above shall be deemed to be a society, rules, or amendment of rules duly registered under the Act.

(2) The provisions of the Act referred to in paragraph (1) above are sections 21, 22, 27, 28, 44, 53, 54, 56, 58, 59, 61, 68, 69, 70, 98(1),(*a*),(*b*),(*c*), (3), (5), (6), 99, 100, 102, 103, 105, 107.

(3) In the application of sections 102 and 103 of the Act to a registered Northern Irish society references to the registered office of the society shall be construed as including references to the principal office of the society in Great Britain.

6. Where the registered office of a branch of a registered Northern Irish society is to be or is at the time of coming into operation of these Regulations situated in the central registration area or in Scotland, then, provided that—

(a) 1896 c. 25.

(*a*) the rules of the society have been recorded under regulation 4(3) above, or at the time of the coming into operation of these Regulations are recorded pursuant to section 14 of the Friendly Societies Act 1896; and

(*b*) the society sends, or has before the coming into operation of these Regulations sent, to the Central Office or to the assistant registrar for Scotland the documents specified in paragraphs (*a*) to (*d*) of section 12(1) of the Act,

the branch shall, notwithstanding anything in regulation 5 above, for all the purposes of the Act be a branch registered under the Act.

Transfer of engagements

7.—(1) A registered society may—

(*a*) by special resolution transfer its engagements to a registered Northern Irish society which undertakes to fulfil those engagements, or

(*b*) by special resolution or in such other manner as may be authorised by its rules, undertake to fulfil the engagements of a registered Northern Irish society.

(2) Sections 82(4), 83, 86(4) and 98(1)(*e*) of the Act shall apply in relation to the transfer of the engagements of a registered friendly society to a registered Northern Irish society as they apply in relation to the transfer of the engagements of a registered friendly society to another such society.

(3) A transfer of engagements shall not take effect by virtue of this regulation until the Central Office have given their consent in writing to the transfer; and they shall not give that consent unless they are satisfied that the transfer of engagements will also take effect under the law of Northern Ireland.

(4) Every application to the Central Office for their consent to a transfer of engagements under the preceding paragraph shall be made in duplicate in form B set out in the Schedule hereto and shall be accompanied by statutory declarations in forms C and D set out in the said Schedule.

(5)(*a*) On giving consent to a transfer of engagements under paragraph (3) above the Central Office shall, subject to section 86(4) of the Act, register a copy of the special resolution for the transfer;

(*b*) The fee payable to the Central Office for the registry of the copy resolution shall be the same fee as would have been so payable had the transferee society been a registered society.

(6) A transfer of engagements which takes effect by virtue of this regulation shall not prejudice any right of a creditor of the registered society or the Northern Irish society which are parties thereto.

Savings and amendments

8. Nothing in these Regulations shall confer any power or impose any obligation or liability with respect to the taking or refraining from taking of, or failure to take, any action outside the central registration area or Scotland.

9. In relation to any registered Northern Irish society, article 22 of the Government of Ireland (Companies, Societies, etc.) Order 1922(a) shall have effect as if the words from "a society registered in Northern Ireland" to "United Kingdom, and" and the words "both in their application to the United Kingdom exclusive of Northern Ireland and" were omitted.

Donald R. Coleman,
James A. Dunn,
Two of the Lords Commissioners of Her Majesty's Treasury.

20th February 1975.

SCHEDULE

FORM A

THE FRIENDLY SOCIETIES (NORTHERN IRISH SOCIETIES) REGULATIONS 197

Application to record Rules or amendment of Rules

Name of Society.....

Registered No.....(Northern Ireland)

To the Central Office (*or* the Assistant Registrar for Scotland)

Application to record the rules (*or* an amendment of the rules) of the above-named society is made by the Secretary thereof.

With this application are sent two printed copies of the said rules (*or* amendment of rules) certified to be true copies by the Registrar of Friendly Societies for Northern Ireland.

Signed .....
Secretary

Registered Office:

.....

Date:

FORM B

THE FRIENDLY SOCIETIES (NORTHERN IRISH SOCIETIES) REGULATIONS 197

Application for Consent to a Transfer of Engagements to a registered Northern Irish Society

(To be sent in duplicate accompanied by Forms C and D)

Name of transferor society.....

Register No.....

Name of transferee society.....

Register No.....(Northern Ireland)

(a) S.R. & O. 1922/184 (Rev. XVI, p. 1005).

To the Central Office

1. The following is a copy of a resolution passed

(*a*) at a general meeting of the transferor society, held on 19 , of which notice specifying the intention to propose that resolution, was duly given in accordance with the society's rules, and

(*b*) by not less than three-quarters of those members of the society for the time being entitled under the society's rules to vote who voted either in person or by proxy at the meeting:—

[Where the meeting was of delegates, substitute for paragraph (*b*) "by not less than three-quarters of the delegates who voted at the meeting:—"]

In accordance with section 82(4)(a) of the Friendly Societies Act 1974 a notice in terms approved by the Chief Registrar was sent to each member of the transferor society.

Omit where exemption from this requirement has been obtained.

2. The transferee society has [state in what manner] ..... undertaken to fulfil the engagements of the transferor society as testified by the signature of the secretary of the transferee society hereto and by his statutory declaration submitted herewith.

3. Application is hereby made to the Central Office for consent to the said transfer of engagements.

Registered Office of Transferor Society
.....
.....
.....

Date.....

Signed.....
Secretary of Transferor society

Signed.....
Secretary of Transferee society

FORM C

THE FRIENDLY SOCIETIES (NORTHERN IRISH SOCIETIES) REGULATIONS 197

Statutory Declaration to accompany Application for Consent to a Transfer of Engagements to a registered Northern Irish Society

Name of Society.....

Register No.....

I.....of.....

.....

an officer of the above-named society, do solemnly and sincerely declare that in passing the special resolution referred to in the Application for Consent which is appended to this declaration marked.....the provisions of section 86(1) of the Friendly Societies Act 1974 have been duly complied with. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1835.

Signature of Declarant.....

Declared at.....
.....
the.....day of.....
one thousand nine hundred and
.....
before me,

.....
A Solicitor*

*or Commissioner for Oaths or Notary Public or Justice of the Peace.

FORM D

THE FRIENDLY SOCIETIES (NORTHERN IRISH SOCIETIES) REGULATIONS 197

Statutory Declaration by Officer of registered Northern Irish Society accepting Transfer of Engagements

Name of Society.....

Register No.....(Northern Ireland)

I.....of .....

.....

an officer of the above-named society, do solemnly and sincerely declare that the above-named society has undertaken to fulfil the engagements of.....

.....Society, Register No.....

Delete as appropriate.

by special resolution passed at a meeting of the society held on.....19

in the manner authorised by its rules, viz., by resolution of.....

passed.....19 .

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1835.

Signature of Declarant.....

Declared at.....

.....

the.....day of.....
one thousand nine hundred and

.....before me,

.....
A Solicitor*
*or Commissioner for Oaths or Notary Public or Justice of the Peace

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EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations, with effect from 1st April 1975, modify the Friendly Societies Act 1974 in relation to societies registered in Northern Ireland under the Friendly Societies Act (Northern Ireland) 1970 (c.31). They provide for the recording of the rules of such Northern Irish societies in Great Britain and confer rights and obligations on societies whose rules have been so recorded. They also provide for the transfer of engagements between societies registered under the Friendly Societies Act 1974 and Northern Irish societies.

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