STATUTORY INSTRUMENTS

1969 No. 1654

INDUSTRIAL ASSURANCE

The Industrial Assurance (Collecting Societies' Deposits) Regulations 1969

Made - - -	*24th November* 1969
Laid before Parliament	*3rd December* 1969
Coming into Operation	*5th December* 1969

The Industrial Assurance Commissioner, pursuant to the powers conferred on him by section 20(1) of the Insurance Companies Act 1958(**a**), as amended by sections 14(3) and 17(1) of, and Schedule 1 to, the Administration of Justice Act 1965(**b**), as applied by section 7(1) of the Industrial Assurance Act 1923(**c**), as amended by section 99 of, and Part II of Schedule 6 to, the Companies Act 1967(**d**), and of all other powers enabling him in that behalf, hereby makes the following Regulations :—

1. These Regulations may be cited as the Industrial Assurance (Collecting Societies' Deposits) Regulations 1969 and shall come into operation on 5th December 1969.

2.—(1) In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :—

"the Act" means the Industrial Assurance Act 1923 ;

"the Accountant General" means the Accountant General of the Supreme Court ;

"the Bank" has the meaning assigned to it by rule 3 of the Supreme Court Fund Rules 1927(**e**) as amended (**f**) ;

"the Commissioner" means the Industrial Assurance Commissioner ;

"the court" means the High Court ;

"the depositor" has the meaning assigned to it by regulation 3 of these Regulations.

"long-term investment account" and "short-term investment account" have the same meanings as in section 6(1)(*a*) of the Administration of Justice Act 1965 ;

"principal society" and "subsidiary society" have the meanings assigned to them by section 7(5) of the Act ;

"society" means a collecting society within the meaning of section 1(1A) of the Act.

(**a**) 1958 c. 72.
(**b**) 1965 c. 2.
(**c**) 1923 c. 8.
(**d**) 1967 c. 81.
(**e**) S.R. & O. 1927/1184 (1927 p. 1638).
(**f**) The relevant amending instrument is S.I. 1965/1608 (1965 II, p. 4621).

(2) Other words and phrases used in these Regulations shall, except where the context otherwise requires, have the meanings assigned to them in the Act.

(3) The Interpretation Act 1889(a) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. Where a society is required to deposit with the Accountant General the sum of £20,000 in pursuance of section 7 of the Act the society, or the persons applying for the registration thereof, may apply to the Commissioner for a warrant which shall be a sufficient authority for the Accountant General to issue a directive for the payment into the Bank to the credit of his account by the society named in the warrant (hereinafter referred to as "the depositor") of the said sum of £20,000, which shall be credited in the books of the Accountant General to an account entitled ex parte the depositor, in respect of Industrial Assurance business.

Provided that in lieu, wholly or in part, of the deposit of money the depositor may deposit an equivalent amount of securities in which cash under the control of or subject to the order of the court may for the time being be invested (the value thereof being taken at a price as near as may be to, but not exceeding, the current market price) and in that case the Commissioner shall vary his warrant accordingly.

4.—(1) The court may, on the application of the depositor, make an order for dealing with any money which has been deposited in court by its placement to a short-term or long-term investment account or by its investment in any securities in which cash under the control of or subject to the order of the court may for the time being be invested, or for the variation of any existing investment by way of sale and re-investment, or otherwise, and for the payment of the interest, dividends or income accruing due on such investment.

(2) Any interest, dividend or income accruing due on money or securities deposited with the court shall, subject to any order of the court, be paid to the depositor at its request.

(3) Any money which has been deposited with the court may be placed to a short-term investment account at the request of the depositor.

5. The court may, on the application of the depositor (of which application notice shall be served on the Commissioner), in any case where it may be just and equitable to do so, and in particular where the depositor has ceased altogether to carry on industrial assurance business, order any money or securities deposited in court to be paid or transferred out of court to the depositor or otherwise as the court may direct.

6. A company into which the depositor has converted itself under section 71 of the Friendly Societies Act 1896(b), or a society with which the depositor has amalgamated, or a society or company to which the depositor has transferred its engagements under section 70 of that Act as modified by section 36 of the Act, may apply in writing to the Commissioner for a certificate under the following regulation.

7. If on an application under the preceding regulation the Commissioner is satisfied that by reason of the conversion, amalgamation or transfer of engagements as the case may be the depositor has ceased altogether to carry on industrial assurance business he shall send to the Accountant General a certificate in the form set out in the Schedule hereto and shall notify the applicant accordingly; and on receipt of such notification the applicant may apply in

(a) 1889 c. 63. (b) 1896 c. 25.

writing to the Accountant General for the money or securities standing to the credit of the depositor to be paid out or transferred in accordance with the certificate, which certificate shall be sufficient authority for the Accountant General to make such payment out or transfer.

8. Where a deposit is made under section 7(5) of the Act by a principal society.

(*a*) the application to the Commissioner for his warrant and any application to the court under these Regulations may be made by the principal society ;

(*b*) the Commissioner's warrant shall state that the principal society is authorised to make the deposit on behalf of the subsidiary society and the Accountant General shall so record it in his books ;

(*c*) interest, dividends or income from time to time accruing on the deposit, whether made under these or any preceding Rules or Regulations, shall be paid to the principal society and not to the subsidiary society.

9. Regulations 4 to 7 of these Regulations and, subject to regulations 3 to 8 of these Regulations, the relevant provisions of the Rules for the time being in force under section 7 of the Administration of Justice Act 1965 (Rules as to funds in Supreme Court), shall apply to deposits made in pursuance of section 7 of the Act whether under these or any preceding Rules or Regulations.

10. The Industrial Assurance (Deposits etc.) Rules 1950(**a**) are hereby revoked.

S. D. Musson,
Industrial Assurance Commissioner.

24th November 1969.

SCHEDULE

Certificate under regulation 7 of the Industrial Assurance (Collecting Societies' Deposits) Regulations 1969

Name of Society:

I hereby certify that on.....a special resolution was registered for

(i) conversion of the above-named society into a company ; *or*

(ii) amalgamation of the above-named society with the..... ....., *or*

(iii) transfer of the engagements of the above-named society to the..... .....society/company,

and as I am satisfied that by reason thereof the society has ceased altogether to carry on industrial assurance business and is no longer required to keep a deposit in court, I hereby authorise the payment out/transfer of the money/securities deposited in court and standing to its credit to the (name of company) *or* to the (name of society).

Industrial Assurance Commissioner

(**a**) S.I. 1950/1544 (1950 I, p. 1102).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the manner in which collecting societies may make the deposit required by section 7 of the Industrial Assurance Act 1923 and provide for the investment and withdrawal of such deposits. They supersede the Industrial Assurance (Deposits etc.) Rules 1950 (S.I. 1950/1544).