1975 No. 29

FRIENDLY SOCIETIES

Friendly Societies (Great Britain Societies) Regulations (Northern Ireland) 1975

Made . . . . . 19*th February* 1975

Coming into operation . . . 1*st April* 1975

The Department of Commerce, in exercise of the powers conferred upon it by section 104(1) and (3) of the Friendly Societies Act (Northern Ireland) 1970(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

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

Revocation

2. Article 22 of the Government of Ireland (Companies, Societies, etc.) Order 1922(b) shall cease to have effect in relation to a registered Great Britain society.

Interpretation

3.—(1) In these regulations—

"the Act" means the Friendly Societies Act (Northern Ireland) 1970;

"registered Great Britain society" means a society which is registered in Great Britain for purposes corresponding to those of the Act;

"registered society" means a society registered or deemed to be registered under the Act;

"registrar" means the Registrar of Friendly Societies for Northern Ireland;

"special resolution" has the meaning assigned to it by section 75 of the Act.

(2) A society registered as a specially authorised society in Great Britain shall not be treated as a registered Great Britain society for the purposes of these regulations unless the purpose for which it is authorised in Great Britain is a purpose which is authorised under section 1(1)(*f*) of the Act.

Modification of the Act in relation to registered Great Britain societies

4.—(1) In section 6 of the Act, the word "society" in subsection (1), except in the second place where it occurs, includes a registered Great Britain society.

(2) For the purposes of section 48 of the Act a registered Great Britain society and a branch thereof registered in England or Scotland shall be deemed to be a society or branch registered under the Act.

(a) 1970 c. 31 (N.I.)

(b) S.R. & O. 1922 No. 184 (p. 734)

Recording of rules of Great Britain societies

5.—(1) Application may be made by a registered Great Britain society to the registrar to record the rules of the society and any amendment of those rules.

(2) Every application under this regulation shall be made in Form AX set out in the Schedule, and shall be accompanied by two authenticated copies of the rules or amendment in respect of which the application is made.

(3) On receipt of an application under this regulation the registrar 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 words "RECORDED IN NORTHERN IRELAND" followed by the date and his signature.

6.—(1) Where the rules of a registered Great Britain society are recorded under regulation 5(3) or at the time of coming into operation of these regulations are recorded pursuant to section 14 of the Friendly Societies Act 1896(c) then, for the purposes of the operation of the Act in relation to such a society, references to a registered society or to a society in such of the provisions of the Act as are specified in paragraph (2) shall include references to the registered Great Britain 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 5(3) shall be deemed to be a society, rules or an amendment of rules duly registered under the Act.

(2) The provisions of the Act referred to in paragraph (1) are sections 14, 15, 20, 21, 37, 45, to 47, 49, 50, 52, 58 to 60, 69, 87 to 90, 93 to 95, and 102.

(3) In the application of sections 93 and 95 of the Act to a registered Great Britain society, references to the registered office of the society shall be construed as including references to the principal office of the society in Northern Ireland.

7.—(1) A registered Great Britain society whose rules are recorded in Northern Ireland may make application under section 5 of the Act to register a branch whose registered office is to be situated in Northern Ireland, and the branch, if registered, shall for all purposes of the Act be a branch registered under the Act.

(2) Any branch of a registered Great Britain society, being a branch which immediately before the coming into operation of these regulations was registered in Northern Ireland, shall for all purposes of the Act be deemed to be registered under the Act.

Transfer of engagements

8.—(1) A registered society may—

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

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

(c) 1896 c. 25

(2) Section 70(3) and (4) and section 71 of the Act shall apply in relation to the transfer of the engagements of a registered friendly society to a registered Great Britain friendly 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 registrar has given his consent in writing to the transfer and he shall not give that consent unless he is satisfied that the transfer of engagements will also take effect under the law in Great Britain.

(4) Every application to the registrar for his consent to a transfer of engagements under paragraph (3) shall be made in duplicate in Form BX set out in the Schedule and shall be accompanied by statutory declarations in Forms CX and DX set out in the Schedule.

(5) On giving consent to a transfer of engagements under paragraph (3) the registrar shall, subject to section 70(4) of the Act, register a copy of the special resolution for the transfer.

(6) The fee payable to the registrar for the registration of the copy of the special resolution referred to in paragraph (5) shall be the same fee as would have been payable for such registration had the transferee society been a registered society.

(7) 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 registered Great Britain society which are parties thereto.

Saving

9. 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 Northern Ireland.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland this 19th day of February 1975.

(L.S.) *F. T. Mais,*
Deputy Secretary

SCHEDULE

FORM AX

FRIENDLY SOCIETIES (GREAT BRITAIN SOCIETIES) REGULATIONS (NORTHERN IRELAND) 1975

Application to record rules or amendment of rules

Name of Society .....

Registered Office .....

Register No. ..... (Great Britain)

To the Registrar

Application is hereby made to record the rules (or an amendment of the rules) of the above-named society.

With this application are sent two printed copies of the said rules (or amendment of rules) certified to be true copies by the Central Office or the Assistant Registrar for Scotland, as the case may be.

.....

Signature of Secretary of Society

Date .....