Changes to legislation: *Industrial Assurance (Northern Ireland) Order 1979 is up to date with all changes known to be in force on or before 22 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1979 No. 1574 (N.I. 13)

Industrial Assurance (Northern Ireland) Order 1979 [F1]

[3rd December 1979]

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F1 rep. by 2000 c. 8, certain provns saved by SI 2001/3647

Introductory

Title and commencement

1.—(1) This Order may be cited as the Industrial Assurance (Northern Ireland) Order 1979.

(2) *Commencement*

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 , exept sections 11(11), 32, 38 and 46(2), shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"collecting book" includes any book or document held by a collector in which payments of premiums are recorded;

[[F2]"collecting society" means an incorporated friendly society or registered friendly society**[**[F3] which carried on industrial assurance business in Northern Ireland immediately before 1st December 2001, and is subject to an existing liability or a liability which may accrue under any policy effected in the course of that business**]]**

"collector" includes every person howsoever remunerated who, by himself or by any deputy or substitute, makes house to house visits for the purpose of receiving premiums payable on policies of insurance on human life, or holds any interest in a collecting book, and includes such a deputy or substitute as aforesaid;

[[F2]"the Commission" means the Friendly Societies Commission;

"friendly society" and "incorporated friendly society" have the same meanings as in the Friendly Societies Act 1992**]**

Definition rep. by 1992 c. 40

Definition rep. by SI 2001/3647

"endowment policy" means a policy issued, or deemed under paragraph 5 of Schedule 9 to have been issued, in accordance with paragraph 1(1)(*b*) of Schedule 9, or a policy insuring

money to be paid on the duration for a specified period of the life of the member or person assured, either with or without provision for the payment of money in the event of the death of that person before the expiration of the period;

"exempted business" means any of the following assurances upon human life—

(a) assurances effected by a collecting society or an industrial assurance company established before 7th November 1924 which, at that date, had no assurances outstanding the premiums on which were payable at intervals of less than one month, so long as the society or company**[**F3 did not effect any such assurances in the period between that date and 1st December 2001**]**;

(b) assurances effected before 7th November 1924, premiums in respect of which are payable at intervals of one month or more, and which had, up to 1st January 1925, been treated as part of the business transacted by a branch other than the industrial branch of the collecting society or industrial assurance company;

(c) assurances for £25 or more effected after 6th November 1924, premiums in respect of which are payable at intervals of one month or more,**[**F3 and which were treated before 1st December 2001 as part of the business transacted by a branch other than the industrial branch of the collecting society or industrial assurance company, in cases where the relevant authority had certified before that day that the terms and conditions of such assurances were**]**, on the whole, not less favourable to the assured than those imposed by this Order;

[F2"the Friendly Societies Act" means the Friendly Societies Act 1974**]**

"industrial assurance business" has the meaning assigned to it by Article 3(1);

[F2"industrial assurance company" means a body corporate**[**F3 which carried on in Northern Ireland industrial assurance business immediately before 1st December 2001, and is subject to an existing liability or a liability which may accrue under any policy effected in the course of that business**]** other than an incorporated friendly society**]**

Definition rep. by 1980 c. 25

"owner" means—

(a) in relation to any policy, the person who is for the time being the person entitled to receive the sums payable under the policy on maturity; and

(b) in the case of an illegal policy or a policy not within the legal powers of the collecting society or industrial assurance company which issued it, the person who would be so entitled were the policy a legal policy or a policy within those powers;

"parent" for the purposes of Article 16 and Schedules 2, 3 and 4, includes a stepfather and a stepmother;

"policy"**[**F3 means a policy effected before 1st December 2001 and**]** includes any contract of assurance, and, for the purposes of Articles 23, 27(4) and (5) and 35(3) and paragraph 1(1)(*b*)(i) of Schedule 9, the date of the making of any such contract shall be deemed to be the date of the issue of the policy;

"premium" includes contribution;

"premium receipt book" includes any book or document held by the owner of a policy in which acknowledgements of receipts of premiums payable in respect of the policy are entered;

"prescribed" shall be construed in accordance with Article 49(1)(*a*);

"proposal", in relation to an insurance, includes an application for an insurance, and "proposer" shall be construed accordingly;

"registered friendly society", in[F2]. . . Schedule 9 paragraph 1, includes a society registered or deemed to be registered in Great Britain whose rules have been recorded in Northern Ireland;

"Registrar" means the officer appointed under section 96(1) of the**[**[F2] Friendly Societies Act (Northern Ireland) 1970**]** to perform in Northern Ireland the powers and duties of Registrar of Friendly Societies;

[[F4]"relevant insurer" means a person, whether incorporated or not, who carried on industrial assurance business before 1st December 2001;**]**

"rules" in relation to a company, means the memorandum and articles of association of the company.

[[F2](2A) In paragraph (2) above, in the definition of "exempted business" , in paragraph (c) "certified" means—

(a) in relation to a time before Schedule 19 to the Friendly Societies Act 1992 came into force, certified by the Registrar in his capacity as Industrial Assurance Commissioner; and

(b) in relation to a time after the coming into force of that Schedule, certified by the Commission.**]**

(3) Expressions in this Order (other than those mentioned in paragraph (2)) have the same meanings as in the Friendly Societies Act.

(4) References in this Order to the recording of rules (of a friendly society registered or deemed to be registered in Great Britain) in Northern Ireland are to their being recorded under section 14 of the Friendly Societies Act 1896 or under regulations made under section 104 of the**[**[F2] Friendly Societies Act (Northern Ireland) 1970.**]**.

Paras. (5), (6) rep. by 1987 NI 22

Paras. (7), (8) rep. by SI 2001/3647

F2 1992 c. 40
F3 SI 2001/3647
F4 SI 2002/1555

Industrial assurance

Industrial assurance business

3.—(1) Save as otherwise provided by this Order and without prejudice to paragraph 1(3) of Schedule 9 (certain endowments and other insurances), this Order applies to industrial assurance business,[F5]. . .

[[F5](1A) For the purposes of this Order, "industrial assurance business" means any which business which—

(a) when carried on before 1st December 2001, consisted of effecting assurances upon human life (other than exempted business), the premiums in respect of which—

(i) were received by means of collectors, and

(ii) were payable at intervals of less than two months; and

(b) when carried on on or after that day, consists of the carrying out of such assurances, the premiums in respect of which—

(i) either continue to be received by means of collectors, or are received by other means pursuant to an agreement made in accordance with Article 3A, and

(ii) either continue to be payable at intervals of less than two months, or are payable at intervals or two months or more pursuant to an agreement made accordance with Article 3A**]**

Paras. (2)#(4) rep. by SI 2001/3647

F5 SI 2001/3647

[F6 3A.—(1) Subject to paragraphs (2) to (4), a collecting society or industrial assurance company may agree in writing with the owner either or both of the following kinds of variation in relation to an industrial assurance policy, that is—

(a) that the premiums shall be received otherwise than by means of a collector; and

(b) that the premiums shall be paid at intervals of two months or more.

(2) Before agreeing to a variation of a kind mentioned in paragraph (1), the society or company must inform the owner in writing—

(a) in any case where it may be agreed that premiums are to be collected by means of a method which may incur charges imposed by any person, of the fact that the owner may be liable to pay such charges; and

(b) in all cases—

(i) of his rights under paragraph (3), and

(ii) of an address to which the owner may send a notice given in accordance with paragraph (3).

(a) (3) (a) The owner may withdraw his consent to a variation of the kind mentioned in paragraph (1) if, before the end of a period of 14 days ("period for withdrawal") beginning with the day on which he agreed in writing to such a variation, he gives notice in writing to the society or company that he no longer consents to the variation;

(b) an owner is to be treated as having given notice in accordance with paragraph (a) if, before the end of the period for withdrawal, he—

(i) gives the notice to a collector,

(ii) leaves the notice at a branch or office of the society or company,

(iii) send the notice pre-paid by a postal service which seeks to deliver documents by post within the United Kingdom no later than the next working day in all or the majority of cases to the address given in accordance with paragraph (2)(b)(ii), or

(iv) transmits the notice by fax, e-mail or other electronic means of communication to a number or address notified by the society or company for that purpose;

(c) for the purposes of this paragraph, writing includes any means of electronic communication which may be processed to produce a legible text.

(4) A company or society must ensure that an owner who has agreed to a variation of a kind mentioned in paragraph (1), and has not withdrawn his consent to the variation in accordance with paragraph (3), receives a copy of the agreement no later than 7 days after the expiry of the period for withdrawal.

(5) A variation to the terms of a policy agreed in accordance with this Article takes effect on a date falling after the expiry of the period for withdrawal and agreed in writing by the society or company and the owner.

(6) Where a variation of the kind mentioned in paragraph (1)(a) has taken effect, that variation applies to the payment of any arrears owing on the date it takes effect as it applies to the payment of premiums falling due after that date.

(7) If a society or company fails to comply with any requirement under paragraph (2) or (4)—

(a) the variation may be rescinded, at the election of the owner, at any time before the end of a period of 6 months beginning with the day on which the variation took effect; and

(b) the society or company must reimburse the owner for any charges incurred and paid by him as a result of the payment of premiums by direct debit or standing order pursuant to that variation.

(8) The policy does not cease to be an industrial assurance policy for the purposes of this Act by reason only of a variation agreed in accordance with this Article.**]**

F6 SI 2001/3647

The Industrial Assurance Commissioner for Northern Ireland

Para. (1) rep. by 1992 c. 40

(2) Anything which, under the Friendly Societies Act, is authorised or required to be done by, to or before the**[**F7 Chief Registrar of Friendly Societies**]** shall, where the society is a collecting society, be done by, to or before the**[**F7 Commission**]**.
Para. (3) rep. by 1992 c. 40

F7 1992 c. 40

Provisions applying only to collecting societies

Name of society

5 F8**.**—(1) Subject to paragraph (2), the last words in the name of a collecting society shall be "collecting society", and the society shall use its registered name on all documents issued by it and no other name.

(2) Paragraph (1) shall not apply to a collecting society registered before 1st January 1896 or to a friendly society which became a collecting society before 7th November 1924.

F8 prosp. rep. by 1992 c. 40

Arts. 6#8 rep. by 1992 c. 40

Obligations as to delivery of policies and copies of rules, etc.

9.—(1) A collecting society shall supply a member, free of charge, with the following—

(a F9 on his insuring with the society, with a printed policyF10. . . or, if the society has been granted a certificate under Article 12 exempting it from the requirement imposed by this paragraph to supply a policy, with a copy of the rules of the society;

Sub#paras. (b), (c) rep. by 1992 c. 40
Paras. (2)#(5) rep. by 1992 c. 40

F9 prosp. rep. by 1992 c. 40