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 .....

FORM BX

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

Application for consent to a transfer of engagements to a registered Great Britain society

(To be sent in duplicate acompanied by Forms CX and DX)

Name of Transferor Society .....

Register No. .....

Name of Transferee Society .....

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

To the Registrar

1. The following is a copy of a resolution passed—

(*a*) at a general meeting of the transferor society held on ..... 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 by delegates, substitute for paragraph (*b*) "by not less than three-quarters of the delegates who voted at the meeting."].

In accordance with section 70(3) of the Friendly Societies Act (Northern Ireland) 1970 a notice in terms approved by the registrar was sent to each member of the transferor society.*

2. The transferee society has (*state in which manner*) .... undertaken to fulfil the engagements of the transferor society as evidenced 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 Registrar for consent to the said transfer of engagements.

Registered Office of Transferor Society

.....

.....

.....

Signed .....
Signature of Secretary of Transferor Society

Signed .....
Signature of Secretary of Transferee Society

Date.....

*Delete where this requirement does not apply or where exemption from it has been obtained.

FORM CX

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

Statutory declaration to accompany application for consent to a transfer of engagements to a registered Great Britain 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 75(1) of the Friendly Societies Act (Northern Ireland) 1970 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 .....19...

before me,

.....

A Commissioner for Oaths*

*or Notary Public or Justice of the Peace

FORM DX

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

Statutory declaration by officer of registered Great Britain society accepting transfer of engagements

Name of Society .....

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

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. .....

*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 .....19...

before me,

.....

A Comissioner for Oaths†

*Delete whichever is inapplicable.
†or Notary Public or Justice of the Peace.

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations, with effect from 1st April 1975, modify the Friendly Societies Act (Northern Ireland) 1970 in relation to societies registered in Great Britain under the Friendly Societies Act 1974. They provide for the recording of the rules of such Great Britain societies in Northern Ireland 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 (Northern Ireland) 1970 and Great Britain societies.