



Co-operative and Community Benefit Societies Act 2014

2014 CHAPTER 14

PART 11

MISCELLANEOUS AND GENERAL

Determination of disputes

137 Determination of disputes in accordance with a society's rules

- (1) If a registered society's rules give directions as to the way in which relevant disputes are to be determined, a relevant dispute is to be determined in the way directed by the rules (subject to the following provisions of this section).
- (2) "Relevant dispute" means a dispute between a registered society or an officer of a registered society and—
 - (a) a member,
 - (b) a person aggrieved who ceased to be a member not more than 6 months previously ("a relevant former member"),
 - (c) a person claiming through a member or relevant former member, or
 - (d) a person claiming under the society's rules.
- (3) Any dispute which would, under the rules, fall to be determined by the FCA or PRA is to be referred to the county court (or, in Scotland, to the sheriff) for determination.
- (4) In England and Wales, any dispute which would, under the rules, be referred to justices is to be determined by a magistrates' court (subject to subsection (6)).
- (5) In Scotland, any dispute which would, under the rules, be referred to justices, a justice of the peace court or a court of summary jurisdiction is to be determined by the sheriff.
- (6) If the parties to the dispute consent, the dispute may be determined—
 - (a) in England and Wales, by the county court;

Status: Point in time view as at 01/08/2014.

Changes to legislation: There are currently no known outstanding effects for the Co-operative and Community Benefit Societies Act 2014, Cross Heading: Determination of disputes. (See end of Document for details)

(b) in Scotland, by the sheriff.

(7) Neither subsection (1) nor the society's rules prevents a person, in accordance with the Financial Ombudsman scheme, from having a complaint dealt with under the scheme before or instead of being determined in the way directed by the rules.

138 Determination of disputes under section 137: application to the court

(1) This section applies where—

- (a) section 137 applies in relation to a relevant dispute,
- (b) an application is made to the society in question for a reference under its rules, and
- (c) no determination is made within 40 days after the application is made.

(2) A person within a paragraph of section 137(2) who is a party to the dispute may apply to the appropriate court, which may hear and determine the matter in dispute.

(3) The appropriate court is—

- (a) in England and Wales, the county court or a magistrates' court;
- (b) in Scotland, the sheriff.

(4) “Relevant dispute” has the same meaning as in section 137.

139 Determination of disputes otherwise than under a society's rules

(1) This section applies in relation to a relevant dispute if the registered society's rules contain no directions as to the determination of relevant disputes.

(2) The dispute may be determined—

- (a) in England and Wales, by the county court;
- (b) in Scotland, by the sheriff.

(3) Alternatively, in England and Wales, a person within a paragraph of section 137(2) who is a party to the dispute may apply to a magistrates' court, which may hear and determine the matter in dispute.

(4) “Relevant dispute” has the same meaning as in section 137.

140 Determination of disputes: supplementary

(1) Where a determination under section 137(1) is made in a dispute—

- (a) the determination is binding and conclusive on all parties without appeal;
- (b) in England and Wales, the determination is not removable into any court of law or restrainable by injunction;
- (c) an application may be made to the county court (or, in Scotland, the sheriff) for enforcement of the determination.

(2) The county court (or, in Scotland, the sheriff) may order the expenses of determining a dispute under section 137, 138 or 139 to be paid—

- (a) out of the society's funds, or
- (b) by such parties to the dispute as the court (in Scotland, the sheriff) considers appropriate.

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- (3) In England and Wales a magistrates' court may, for the purposes of the hearing or determination of a dispute under section 137, 138 or 139, grant either party—
 - (a) such disclosure as to documents and otherwise, and
 - (b) such inspection of documents,as it considers necessary for the just and expeditious disposal of the dispute.
- (4) An order under subsection (3) for disclosure to be made on behalf of a society is to be disclosure by such of its officers as the court may determine.
- (5) The court to which a dispute is referred under section 137(3) to (6), 138 or 139 may at the request of either party state a case on any question of law arising in the dispute for the opinion of the High Court or the Court of Session (as the case may be).

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