

Draft Regulations laid before Parliament under section 7 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No. 000

CO-OPERATIVE SOCIETIES

COMMUNITY BENEFIT SOCIETIES

CREDIT UNIONS

**The Co-operative and Community Benefit Societies and Credit
Unions Act 2010 (Consequential Amendments) Regulations
2014**

Made - - - - *xx July 2014*

Coming into force in accordance with regulation 1

The Treasury make the following Regulations in exercise of the powers conferred by section 6 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010(a).

A draft of these Regulations has been laid before Parliament and approved by a resolution of each House of Parliament in accordance with section 7 of that Act.

Citation and commencement

1.—(1) These Regulations may be cited as the Co-operative and Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014.

(2) These Regulations come into force on 1st August 2014, immediately after the Co-operative and Community Benefit Societies Act 2014.

Consequential amendments to secondary legislation

2. The Schedule (which contains amendments to secondary legislation consequential on the commencement of section 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010) has effect.

Date *Name*
Name
Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE

Regulation 2

Consequential amendments to secondary legislation

Industrial and Provident Societies (Group Accounts) Regulations 1969

1. In regulation 1(1) of the Industrial and Provident Societies (Group Accounts) Regulations 1969(a) for “Industrial and Provident Societies (Group Accounts) Regulations 1969” substitute “Co-operative and Community Benefit Societies (Group Accounts) Regulations 1969”.

National Health Service Trusts (Membership and Procedure) Regulations 1990

2. In regulation 1(3) of the National Health Service Trusts (Membership and Procedure) Regulations 1990(b) (interpretation of regulation 20), in the definition of “securities” for sub-paragraph (b) substitute—

- “(b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any building society or society, other than a society registered as a credit union, which is—
- (i) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
 - (ii) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969(c);”.

Local Authorities (Companies) Order 1995

3. In article 1 of the Local Authorities (Companies) Order 1995(d) (citation, commencement and interpretation)—

- (a) in paragraph (4)—
 - (i) in the definition of “director” for “an industrial and provident society” substitute “a registered society”; and
 - (ii) in sub-paragraph (b)(i) (interpretation of references to a regulated company) for “society registered or deemed to be registered under the Industrial and Provident Societies Act 1965 or under the Industrial and Provident Societies Act (Northern Ireland) 1969” substitute “registered society”; and
- (b) after paragraph (4) insert—

“(4A) In paragraph (4) “registered society” means—

 - (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
 - (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969.”.

Fees in the Registers of Scotland Order 1995

4. In the Fees in the Registers of Scotland Order 1995(e), in Part 3 of the Schedule (fees for registrations and recordings in the land register of Scotland and the register of sasines), in paragraph A—

(a) S.I. 1969/1037.
(b) S.I. 1990/2024. There are amending instruments but none is relevant.
(c) 1969 c.24.
(d) S.I. 1995/849.
(e) S.I. 1995/1945 (S. 142) as amended by S.S.I. 2010/404. There are other amending instruments but none is relevant.

- (a) for the heading substitute “Co-operative or Community Benefit Society receipts”; and
- (b) for “Industrial and Provident Societies Act 1965” substitute “Co-operative and Community Benefit Societies Act 2014”.

National Health Service Litigation Authority Regulations 1995

5. In regulation 14(9) of the National Health Service Litigation Authority Regulations 1995(a) (disability of chairman and members in proceedings on account of pecuniary interest), in the definition of “securities” for sub-paragraph (b) substitute—

- “(b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any building society or society, other than a society registered as a credit union, which is—
 - (i) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
 - (ii) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;”.

Charities (The Royal School for the Blind) Order 1996

6. In the Scheme set out in the Appendix to the Charities (The Royal School for the Blind) Order 1996(b) (scheme for the administration of the Charity), in clause 4 (object of the Charity), in sub-clause (2)(h)—

- (a) for “industrial and provident society” substitute “registered society”; and
- (b) at the end add—
 - “(in this paragraph “registered society” means a society, other than a society registered as a credit union, which is—
 - (i) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
 - (ii) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969)”.

Public Interest Disclosure (Prescribed Persons) Order 1999

7. In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999(c), in the second column (description of matters in respect of which persons specified in the first column are prescribed), in the entries for the Financial Conduct Authority and the Prudential Regulation Authority for “industrial and provident societies” substitute “registered societies within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than societies registered as credit unions”.

Financial Services and Markets Act 2000 (Regulated Activities) Order 2001

8. In article 76 of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(d) (shares etc.), in paragraphs (2)(b) and (3)(c) after “relating to” insert “co-operative and community benefit societies,”.

(a) S.I. 1995/2801.
 (b) S.I. 1996/1667.
 (c) S.I. 1999/1549 as amended by S.I. 2013/472. There are other amending instruments but none is relevant.
 (d) S.I. 2001/544. There are amending instruments but none is relevant.

Financial Services and Markets Act 2000 (Collective Investment Schemes) Order 2001

9. In the Schedule to the Financial Services and Markets Act 2000 (Collective Investment Schemes) Order 2001(a) (arrangements not amounting to a collective investment scheme), in paragraph 21(1) (bodies corporate etc.) for “industrial and provident societies” substitute “registered societies”.

General Social Care Council (Appointments and Procedure) Regulations 2001

10. In regulation 10(8) of the General Social Care Council (Appointments and Procedure) Regulations 2001(b) (disability of chairman and members in proceedings on account of pecuniary interest), in the definition of “securities” for sub-paragraph (b) substitute—

- “(b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any building society or society, other than a society registered as a credit union, which is—
- (i) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
 - (ii) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;”.

Financial Services and Markets Act 2000 (Mutual Societies) Order 2001

11. In article 7(6) of the Financial Services and Markets Act 2000 (Mutual Societies) Order 2001(c) (consequential modification of non-statutory provisions), for “industrial and provident society” substitute “registered society”.

Insurers (Reorganisation and Winding Up) Regulations 2004

12.—(1) The Insurers (Reorganisation and Winding Up) Regulations 2004(d) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1) after the definition of “PRA-authorised person” insert—

““registered society” means a society, other than a society registered as a credit union, which is—

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;”;

(b) in paragraph (3)—

- (i) for “industrial and provident societies” substitute “registered societies”;
- (ii) for “the Industrial and Provident Societies Act 1965” substitute “the Co-operative and Community Benefit Societies Act 2014”.

(3) In regulation 17(1) (interpretation of Part 4) in the definition of “society” for sub-paragraph (c) substitute—

“(c) a registered society.”.

(a) S.I. 2001/1062. There are amending instruments but none is relevant.

(b) S.I. 2001/1744.

(c) S.I. 2001/2617. This instrument was revoked by S.I. 2013/1765 with savings for article 7 (and other provisions).

(d) S.I. 2004/353. There are amending instruments but none is relevant.

Child Trust Funds Regulations 2004

13. In regulation 2(1)(b) of the Child Trust Funds Regulations 2004(a) (interpretation)—

- (a) in the definition of “company”—
 - (i) in paragraph (iii) for “an industrial and provident society” substitute “a registered society”;
 - (ii) in paragraph (iv) for “industrial and provident society” substitute “registered society”;
- (b) omit the definition “industrial and provident society”; and
- (c) after the definition of “registered friendly society” insert—
 - ““registered society” means—
 - (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
 - (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;”.

Pension Protection Fund (Entry Rules) Regulations 2005

14. In regulation 5 of the Pension Protection Fund (Entry Rules) Regulations 2005(b) (prescribed insolvency events)—

- (a) in paragraph (1) for sub-paragraph (e) substitute—
 - “(e) in relation to a co-operative or community benefit society, where there is dissolution by consent of the members under section 119 of the Co-operative and Community Benefit Societies Act 2014 (dissolution of society by an instrument of dissolution).”; and
- (b) in paragraph (2)—
 - (i) after the definition of “administration order” insert—
 - ““co-operative or community benefit society” means a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014 (meaning of “registered society”), other than a society registered as a credit union;”;
 - (ii) in the definition of “relevant body” for sub-paragraph (g) substitute—
 - “(g) a co-operative or community benefit society.”.

Financial Services and Markets Act 2000 (Financial Promotion) Order 2005

15.—(1) The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005(c) is amended as follows.

(2) In article 35 (industrial and provident societies)—

- (a) for the heading substitute “Registered societies”; and
- (b) in paragraph (b) for “an industrial and provident society” substitute “a registered society”.

(3) In Part 2 of Schedule 1 (controlled investments), in paragraph 14(2)(b) and (3)(c) after “relating to” insert “co-operative and community benefit societies.”.

(a) S.I. 2004/1450. There are amending instruments but none is relevant.

(b) S.I. 2005/590. There are amending instruments but none is relevant.

(c) S.I. 2005/1529. There are amending instruments but none is relevant.

Community Interest Company Regulations 2005

16.—(1) The Community Interest Company Regulations 2005(a) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) for the definition of “permitted industrial and provident society” substitute—

““permitted society” means a registered society which has a restriction on the use of its assets in accordance with regulation 4 of the Community Benefit Societies (Restriction on Use of Assets) Regulations 2006(b) or regulation 4 of the Community Benefit Societies (Restriction on Use of Assets) Regulations (Northern Ireland) 2006(c);” and

(b) after the definition of “referendum” insert—

““registered society” means—

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;”.

(3) In paragraph 1(4) of Schedules 1, 2 and 3 (provisions prescribed for the articles of a community interest company) for sub-paragraph (ba) substitute—

“(ba) “permitted society” means a registered society which has a restriction on the use of its assets in accordance with regulation 4 of the Community Benefit Societies (Restriction on Use of Assets) Regulations 2006 or regulation 4 of the Community Benefit Societies (Restriction on Use of Assets) Regulations (Northern Ireland) 2006;

(bb) “registered society” means—

(i) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(ii) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;”.

(4) In each of the following provisions for “permitted industrial and provident society” substitute “permitted society”—

(a) regulation 2, in the definition of “asset-locked body”;

(b) regulation 6A; and

(c) paragraph 1(4)(a) of Schedules 1, 2 and 3 (in the definition of “asset-locked body”).

(5) In the heading to Part 2A and regulation 6A for “an industrial and provident society” substitute “a registered society”.

Financial Assistance Scheme Regulations 2005

17. In regulation 13 of the Financial Assistance Scheme Regulations 2005(d) (insolvency events)—

(a) in paragraph (4) for sub-paragraph (f) substitute—

“(f) in relation to a registered society, where there is dissolution by consent of the members under section 119 of the Co-operative and Community Benefit Societies Act 2014 (dissolution of society by an instrument of dissolution) or under section 67 of the Industrial and Provident Societies Act (Northern Ireland) 1969 (instrument of dissolution).” and

(a) S.I. 2005/1788 amended by S.I. 2009/1942. There are other amending instruments but none is relevant.

(b) S.I. 2006/264.

(c) S.R. 2006/258.

(d) S.I. 2005/1986. There are amending instruments but none is relevant.

- (b) in paragraph (6)—
 - (i) after the definition of “public body” insert—
 - ““registered society” means a society, other than a society registered as a credit union, which is—
 - (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014 (meaning of “registered society”); or
 - (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;”;
 - (ii) in the definition of “relevant body” for sub-paragraph (g) substitute—
 - “(g) a registered society.”.

NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005

18. In regulation 10(9) of the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) Regulations 2005(a) (disability of chairman and members in proceedings on account of pecuniary interest), in the definition of “securities” for sub-paragraph (b) substitute—

- “(b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any building society or society, other than a society registered as a credit union, which is—
 - (i) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
 - (ii) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;”.

NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005

19. In regulation 10(9) of the NHS Blood and Transplant (Gwaed a Thrawsblaniadau'r GIG) Regulations 2005(b) (disability of chairman and members in proceedings on account of pecuniary interest), in the definition of “securities” for sub-paragraph (b) substitute—

- “(b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any building society or society, other than a society registered as a credit union, which is—
 - (i) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
 - (ii) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;”.

Insurance Accounts Directive (Miscellaneous Insurance Undertakings) Regulations 2008

20.—(1) The Insurance Accounts Directive (Miscellaneous Insurance Undertakings) Regulations 2008(c) are amended as follows.

- (2) In regulation 2(1) (interpretation)—
 - (a) omit the definition of “industrial and provident society”; and
 - (b) after the definition of “insurance undertaking” insert—
 - ““registered society” means—

(a) S.I. 2005/2415.
 (b) S.I. 2005/2531.
 (c) S.I. 2008/565. There are amending instruments but none is relevant.

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;”;

(3) In regulations 2(6)(a) and 14(4) (industrial and provident societies) for “an industrial and provident society” substitute “a registered society”.

(4) In the following provisions for “industrial and provident societies”, except where these words appear in a reference to an enactment, substitute “registered societies”—

- (a) regulation 4(2) (publication of accounts);
- (b) regulation 6(4) (appointment of auditors);
- (c) regulation 7(3) (functions of auditor);
- (d) regulation 14(1), (2) and (3);
- (e) paragraph 1 of Schedule 1 (modification of the Friendly and Industrial and Provident Societies Act 1968);
- (f) section 3A(4)(d)(ii) of that Act as applied by paragraph 3 of Schedule 1;
- (g) paragraph 1 of Schedule 2 (modification of the Industrial and Provident Societies Act (Northern Ireland) 1969); and
- (h) section 37A(4)(d)(ii) of that Act as applied by paragraph 3 of Schedule 2.

(5) In regulation 14—

- (a) for the heading substitute “Registered societies”; and
- (b) for “Industrial and Provident Societies (Group Accounts) Regulations 1969” substitute “Co-operative and Community Benefit Societies (Group Accounts) Regulations 1969”.

Local Authorities (Model Code of Conduct) (Wales) Order 2008

21. In the Schedule to the Local Authorities (Model Code of Conduct) (Wales) Order 2008(a) (the Model Code of Conduct)—

- (a) in paragraph 1 (interpretation) after the definition of “member” insert—
 - ““registered society” means a society, other than a society registered as a credit union, which is—
 - (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
 - (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;”;
- (b) in paragraph 10 (personal interests), in sub-paragraph (2)(a)(ix)(bb), for “industrial and provident society” substitute “registered society”.

Limited Liability Partnerships (Accounts and Audit) (Application of the Companies Act 2006) Regulations 2008

22. In regulation 24 of the Limited Liability Partnerships (Accounts and Audit) (Application of the Companies Act 2006) Regulations 2008(b) (disclosure of information), in section 461 of the Companies Act 2006(c) (permitted disclosure of information obtained under compulsory powers) as applied by that regulation, in subsection (4)(g)—

- (a) in sub-paragraph (i) omit “or to industrial and provident societies”; and
- (b) after sub-paragraph (i) insert—

(a) S.I. 2008/788. There are amending instruments but none is relevant.

(b) S.I. 2008/1911 as amended by S.I. 2013/472. There are other amending instruments but none is relevant.

(c) 2006 c. 46.

- “(ia) the legislation relating to a society, other than a society registered as a credit union, which is—
 - (aa) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, or
 - (ab) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969.”.

Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009

23. In regulation 17(10) of the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2009(a) (disability of members on account of pecuniary interest), in the definition of “securities” for sub-paragraph (b) substitute—

- “(b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any building society or society, other than a society registered as a credit union, which is—
 - (i) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
 - (ii) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;”.

Company and Business Names (Miscellaneous Provisions) Regulations 2009

24. In paragraph 3 of Schedule 2 to the Company and Business Names (Miscellaneous Provisions) Regulations 2009(b) (specified words, expressions and abbreviations) at the end of sub-paragraph (ua) (before “and”) insert—

- “(ub) “CO-OPERATIVE SOCIETY”;
- (uc) “COMMUNITY BENEFIT SOCIETY”; and”.

Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009

25. In regulation 1(3) of the Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009(c) (interpretation of regulation 24), in the definition of “securities” for sub-paragraph (b) substitute—

- “(b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any building society or society, other than a society registered as a credit union, which is—
 - (i) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
 - (ii) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;”.

Mutual Societies (Transfers of Business) (Tax) Regulations 2009

26.—(1) The Mutual Societies (Transfers of Business) (Tax) Regulations 2009(d) are amended as follows.

- (2) In regulation 2 (interpretation) after the definition of “loan relationship” insert—

(a) S.I. 2009/779.
(b) S.I. 2009/1085 as amended by S.I. 2009/2404. There are other amending instruments but none is relevant.
(c) S.I. 2009/1385. There are amending instruments but none is relevant.
(d) S.I. 2009/2971 as amended by S.I. 2013/496. There are other amending instruments but none is relevant.

““registered society” means a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union;”.

(3) In the following regulations for “an industrial and provident society” substitute “a registered society”—

- (a) regulation 2(1) (interpretation), in the definition of “subsidiary of a mutual society”;
- (b) in regulation 3(2) (meaning of relevant transfer) in each place where these words appear;
- (c) regulation 19(1)(a) (transfer of loan relationship);
- (d) regulation 22(1)(a) (replacement of industrial and provident society as party to a derivative contract);
- (e) regulation 30(1)(a) (intangible fixed assets transferred as if at no gain or no loss); and
- (f) regulation 32 (exemption from stamp duty).

(4) In the following provisions for “industrial and provident society” substitute “registered society”—

- (a) regulation 3(2), in sub-paragraph (a) and, in the second place where these words appear, in sub-paragraph (b); and
- (b) regulation 22, in the heading.

(5) In regulation 3(2)(a) and (c) for “industrial and provident societies”, except where these words appear in a reference to an enactment, substitute “registered societies”.

Employers’ Duties (Registration and Compliance) Regulations 2010

27. In regulation 3 of the Employers’ Duties (Registration and Compliance) Regulations 2010(a) (registration) for paragraph (2)(a)(ii)(aa) substitute—

“(aa) the number under which the employer is registered as a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014;”.

National Health Service Trust Development Authority Regulations 2012

28. In regulation 13(10) of the National Health Service Trust Development Authority Regulations 2012(b) (disability of members in proceedings on account of pecuniary interest), in the definition of “securities” for sub-paragraph (b) substitute—

- “(b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any building society or society, other than a society registered as a credit union, which is—
 - (i) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
 - (ii) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;”.

Health Education England Regulations 2012

29. In regulation 13(10) of the Health Education England Regulations 2012(c) (disability of members on account of pecuniary interest), in the definition of “securities” for sub-paragraph (b) substitute—

(a) S.I. 2010/5 as amended by S.I. 2012/215.
(b) S.I. 2012/922.
(c) S.I. 2012/1290.

“(b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any building society or society, other than a society registered as a credit union, which is—

- (i) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (ii) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;”.

Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

30. In regulation 1(2) of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012(a) (interpretation), in the definition of “director” for “an industrial and provident society” substitute “a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union”.

Housing (Right to Manage) (England) Regulations 2012

31. In regulation 17 of the Housing (Right to Manage) (England) Regulations 2012(b) (incorporation of TMO) for paragraph (a) substitute—

“(a) a co-operative or community benefit society under the Co-operative and Community Benefit Societies Act 2014;”.

Assets of Community Value (England) Regulations 2012

32. In regulation 5 of the Assets of Community Value (England) Regulations 2012(c) (voluntary or community bodies)—

- (a) in paragraph (1)(f) for “an industrial and provident society” substitute “a co-operative or community benefit society”; and
- (b) for paragraph (3) substitute—

“(3) In this regulation “co-operative or community benefit society” means a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union.”.

Industrial and Provident Societies and Credit Unions (Arrangements, Reconstruction and Administration) Order 2014

33. In article 1(1) of the Industrial and Provident Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014(d) (citation and commencement) for “Industrial and Provident Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014” substitute “Co-operative and Community Benefit Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014”.

(a) S.I. 2012/1464.
(b) S.I. 2012/1821.
(c) S.I. 2012/2421.
(d) S.I. 2014/229.

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations make provision in consequence of the commencement of section 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 (c. 7) (“the 2010 Act”). Section 1 of the 2010 Act amends the Industrial and Provident Societies Act 1965 (c. 12) (“the 1965 Act”) to require a new society registered under the 1965 Act, other than a credit union, to be registered as a co-operative society or a community benefit society.

The 1965 Act and the 2010 Act are largely repealed and re-enacted by the Co-operative and Community Benefit Societies Act 2014 (“the 2014 Act”), which comes into force immediately after section 1 of the 2010 Act, which it repeals. The effect of the changes is that—

- the registration requirements for societies other than credit unions are in section 2 of the 2014 Act;
- a new society, other than a credit union, is to be registered as a co-operative society or a community benefit society; and
- all societies registered under the 1965 Act or the 2014 Act, including credit unions, are called “registered societies”.

These Regulations come into force immediately after the 2014 Act. Regulation 2 gives effect to the Schedule, which amends secondary legislation to take account of the changes. The amendments replace the words “industrial and provident society” wherever they occur, including in the title of an enactment.

An impact assessment has not been produced for this instrument as no significant impact on the costs of business or the voluntary sector is foreseen.

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