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STATUTORY INSTRUMENTS

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**2011 No. 593**

**The Mutual Societies (Electronic Communications) Order 2011**

**PART 2**

**Building societies**

**Amendment to proxy voting requirements**

**2.—(1)** For sub-paragraphs (1A) and (1B) of paragraph 24 of Schedule 2 to the 1986 Act<sup>(1)</sup> (proxies) substitute—

“(1A) A form for the appointment of a proxy—

- (a) may be sent electronically to a member if it is sent to an electronic address notified by that member to the society for the purpose;
- (b) is to be treated as having been sent electronically to a member, where the conditions in sub-paragraph (1B) below are satisfied.

(1B) The conditions are that—

- (a) the society and the member have agreed that a form may instead be accessed by the member on a website;
- (b) in a manner agreed between the society and that member, the member is notified of—
  - (i) the publication of the form on a website;
  - (ii) the address of that website; and
  - (iii) the place on that website where the form may be accessed, and how it may be accessed; and
- (c) the form is published on the website throughout the period beginning with the day on which the member is notified in accordance with paragraph (b) above and ending with the last day specified for the return of appointments of proxies.

(1C) If the form is absent from the website for part of the period referred to in sub-paragraph (1B)(c), the absence is to be disregarded if it is wholly attributable to circumstances that it would not be reasonable to have expected the society to prevent or avoid.

(1D) Where a form for the appointment of a proxy is made available by a society on a website in accordance with subsection (1A)(b), the society may also make available on the website a facility for completing the form and returning the appointment in an electronic communication (but see paragraph 34).”

**(2)** In sub-paragraph (2A) of paragraph 34 of Schedule 2 to the 1986 Act<sup>(2)</sup> (declarations to be made in proxy and ballot forms), for “contained in an electronic communication sent in accordance

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<sup>(1)</sup> 1986 c.53; sub-paragraphs (1A) and (1B) were inserted by S.I. 2003/404 art 15.

<sup>(2)</sup> 1986 c.53; sub-paragraph (2A) was inserted by S.I. 2003/404 art 19(1), (2).

with paragraph 24(1A)(b)” substitute “returned in an electronic communication in accordance with paragraph 24(1D)”.