

SCHEDULE 1

Modified application of Parts 1 and 2 of the Insolvency Act 1986 to relevant societies

PART 2

Modified application of Part 1 of the Insolvency Act 1986 to relevant societies (further modifications)

5. Section 7A of the 1986 Act (prosecution of delinquent officers of company) ^{M1} has effect as if—

- (a) in subsection (2), in the definition of “the appropriate authority”—
 - (i) at the end of sub-paragraph (i) there were added “ or the Financial Conduct Authority (“the FCA”) ”;
 - (ii) at the end of sub-paragraph (ii) there were added “ or the FCA ”;
- (b) for subsection (3) ^{M2} there were substituted—

“(3) Subsection (3A) applies where a report is made to the Secretary of State or the FCA under subsection (2) in relation to a relevant society (within the meaning given in [^{F1}article 1(2) of the Co-operative and Community Benefit Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014]) whose registered office is situated in England and Wales.

(3A) The Secretary of State or the FCA may, for the purpose of investigating the matter reported and such other matters relating to the society's affairs as appear to require investigation, exercise the power to appoint inspectors which would be exercisable by the FCA under [^{F2}section 106 of the Co-operative and Community Benefit Societies Act 2014] upon an application made for that purpose under subsection (1) of that section.”;
- (c) subsections (4) to (7) were omitted; and
- (d) in subsection (8), for the definition of “prosecuting authority” there were substituted—

““prosecuting authority” means—

 - (a) in the case of a relevant society whose registered office is situated in England and Wales, the Director of Public Prosecutions, the Secretary of State or the FCA; and
 - (b) in the case of a relevant society whose registered office is situated in Scotland, the Lord Advocate.”.

Textual Amendments

- F1** Words in Sch. 1 para. 5(b) substituted (1.8.2014) by [The Co-operative and Community Benefit Societies and Credit Unions \(Arrangements, Reconstructions and Administration\) \(Amendment\) Order 2014 \(S.I. 2014/1822\)](#), arts. 1(2), **5(c)(i)**
- F2** Words in Sch. 1 para. 5(b) substituted (1.8.2014) by [The Co-operative and Community Benefit Societies and Credit Unions \(Arrangements, Reconstructions and Administration\) \(Amendment\) Order 2014 \(S.I. 2014/1822\)](#), arts. 1(2), **5(c)(ii)**

Marginal Citations

- M1** Section 7A was inserted by the Insolvency Act 2000, Schedule 2, paragraphs 1 and 10.
- M2** Subsection (3) was amended by [S.I. 2009/1941](#).

Changes to legislation:

There are currently no known outstanding effects for the The Co-operative and Community Benefit Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014, Paragraph 5.