

SCHEDULE 11

Article 2(c)

Amendments consequential on Schedules 2 to 10

**Consequential amendments to primary legislation**

1.—(1) The Housing Associations Act 1985<sup>(1)</sup> is amended as follows.

(2) In section 84(5)(a)<sup>(2)</sup> (agreements to indemnify certain lenders), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

(3) In section 86(4)<sup>(3)</sup> (agreements to indemnify building societies: Scotland), for “the Financial Services Authority” substitute “the Financial Conduct Authority and the Prudential Regulation Authority”.

2.—(1) In the provisions of the Insolvency Act 1986<sup>(4)</sup> listed in sub-paragraph (2), for “Financial Services Authority” substitute “Financial Conduct Authority”.

(2) The provisions are—

(a) section 124(4AA)<sup>(5)</sup> (application for winding up);

(b) section 124C(1)(b) and (2)(b)<sup>(6)</sup> (petition for winding up a European cooperative society).

3. In section 22E(4)(d) of the Company Directors Disqualification Act 1986<sup>(7)</sup> (application of Act to societies registered under the Industrial and Provident Societies Act 1965), as inserted by section 3 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010<sup>(8)</sup>, for “Financial Services Authority” substitute “Financial Conduct Authority”.

4. In section 229(4) of the Housing (Scotland) Act 1987<sup>(9)</sup> (local authority indemnities for building societies, etc.), for “Financial Services Authority” substitute “Financial Conduct Authority and the Prudential Regulation Authority”.

5.—(1) In the provisions of the Housing Act 1996<sup>(10)</sup> listed in sub-paragraph (2), for “Financial Services Authority”, in each place, substitute “Financial Conduct Authority”.

(2) The provisions are—

(a) section 3(3)(b)<sup>(11)</sup> (registration);

(b) section 4(6)(b)<sup>(12)</sup> (removal from the register);

(c) section 6(3)(b)<sup>(13)</sup> (appeal against decision on removal);

(d) section 45(4)(d)<sup>(14)</sup> (effect of agreed proposals);

(e) section 48(3)<sup>(15)</sup> (powers of the manager: transfer of engagements); and

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(1) 1985 c.69.

(2) Paragraph (a) was amended by S.I. 2001/3649 and S.I. 2009/484.

(3) Subsection (4) was amended by S.I. 1996/2325 and S.I. 2001/3649.

(4) 1986 c.45.

(5) Section 124(4AA) was inserted by S.I. 2006/2078.

(6) Section 124C was inserted by S.I. 2006/2078.

(7) 1986 c.46.

(8) 2010 c.7.

(9) 1987 c.26. Section 229(4) was amended by S.I. 2001/3649.

(10) 1996 c.52.

(11) Section 3(3)(b) was amended by S.I. 2001/3649.

(12) Section 4(6)(b) was amended by S.I. 2001/3649.

(13) Section 6(3)(b) was amended by S.I. 2001/3649.

(14) Section 45(4)(d) was amended by S.I. 2001/3649. There are other amending instruments, but none is relevant.

(15) Section 48(3) was amended by S.I. 2001/3649.

*Status: This is the original version (as it was originally made).*

(f) paragraphs 9, 12 and 15H(5)(**16**) of Part 2 of Schedule 1 (registered social landlords: regulation).

**6.**—(1) In the provisions of the Housing (Scotland) Act 2001(**17**) listed in sub-paragraph (2), for “Financial Services Authority” substitute “Financial Conduct Authority”.

(2) The provisions are—

- (a) section 59(3) (registration);
- (b) section 60(5) (removal from the register); and
- (c) section 62(3) (appeal against decision on registration or removal).

**7.** In section 58(7)(b) of the Charities and Trustee Investment (Scotland) Act 2005(**18**) (conversion: supplementary), for “Financial Services Authority” substitute “Financial Conduct Authority”.

**8.**—(1) The Housing and Regeneration Act 2008(**19**) is amended as follows.

(2) In the provisions listed in sub-paragraph (3), for “Financial Services Authority” substitute “Financial Conduct Authority”

(3) The provisions are—

- (a) section 120(1)(b)(**20**) (notice);
- (b) section 153(1)(c) and (6)(d) (proposals: procedure);
- (c) section 157(5) (manager of industrial and provident society: extra powers);
- (d) section 163(2) (industrial and provident society: restructuring);
- (e) section 165(2) (industrial and provident society: dissolution); and
- (f) section 255(5) (amalgamation).

(4) In sections 164(3) (industrial and provident society: winding up) and 212(6) (industrial and provident society: change of rules), for “FSA” substitute “Financial Conduct Authority”.

**9.** In section 4(3)(a) of the Co-operative and Community Benefit Societies and Credit Unions Act 2010(**21**) (power to apply certain other provisions relating to companies), for “Authority” substitute “appropriate authority”.

**10.**—(1) The Housing (Scotland) Act 2010(**22**) is amended as follows.

(2) In section 18(2) (co-operation with other regulators) for paragraph (f) substitute—

- “(f) the Financial Conduct Authority,
- (fa) the Prudential Regulation Authority,”.

(3) In the provisions in sub-paragraph (4), for “Financial Services Authority”, in each place, substitute “Financial Conduct Authority”.

(4) The provisions are—

- (a) section 30 (communication with other regulators);
- (b) section 80(2)(d) (proposals: formulation);

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(16) Paragraphs 9(1) and 12(1) were amended by [S.I. 2001/3649](#). Paragraph 15H(5) was inserted by the Housing (Wales) Measure 2011 ([2011 nawm 5](#)), section 78.

(17) [2001 asp 10](#).

(18) [2005 asp 10](#).

(19) [2008 c.17](#).

(20) Section 120(1)(b) was amended by [S.I. 2010/844](#).

(21) [2010 c.7](#).

(22) [2010 asp 17](#).

- (c) section 82(3)(d) (proposals: agreement);
- (d) section 87(5) (manager of registered society: extra powers);
- (e) section 94(2) (registered society's rules: supplementary);
- (f) section 96(1)(b) (restructuring, winding up and dissolution of registered societies);
- (g) section 97(1) (restructuring of society);
- (h) section 98 (voluntary winding up of society); and
- (i) section 99 (dissolution of society).

**11.** In section 230(2)(b) of the Charities Act 2011(**23**) (Commission to consult appropriate registrar and others), for “Financial Services Authority” substitute “Financial Conduct Authority and, if the society is a PRA-authorized person within the meaning of section 2B of the Financial Services and Markets Act 2000, the Prudential Regulation Authority”.

### **Consequential amendments to secondary legislation**

**12.**—(1) The Friendly Societies (Life Assurance Premium Relief) (Change of Rate) Regulations 1980(**24**) are amended as follows.

(2) In regulation 2, at the appropriate place, insert—

““relevant authority” means—

- (a) if the society is a PRA-authorized person within the meaning of section 2B of the Financial Services and Markets Act 2000, the Prudential Regulation Authority, and
- (b) in any other case, the Financial Conduct Authority;”.

(3) In regulations 3(3), 5 and 8, for “Chief Registrar of Friendly Societies” substitute “relevant authority”.

**13.**—(1) The Industrial Assurance (Life Assurance Premium Relief) (Change of Rate) Regulations 1980(**25**) are amended as follows.

(2) In regulation 2, at the appropriate place, insert—

““relevant authority” means—

- (a) if the industrial assurance company or collecting society is a PRA-authorized person within the meaning of section 2B of the Financial Services and Markets Act 2000, the Prudential Regulation Authority, and
- (b) in any other case, the Financial Conduct Authority;”.

(3) In regulations 3(3), 5 and 8(**26**), for “Friendly Societies Commission” substitute “relevant authority”.

**14.** In regulation 2 of the Community Interest Company Regulations 2005(**27**), in the definition of “the Authority”, for “Financial Services Authority” substitute “Financial Conduct Authority”.

**15.**—(1) In the provisions of the European Cooperative Society Regulations 2006(**28**) listed in sub-paragraph (2), for “Financial Services Authority” substitute “Financial Conduct Authority”.

(2) The provisions are—

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(23) 2011 c.25.

(24) S.I. 1980/1947.

(25) S.I. 1980/1948.

(26) Regulations 3, 5 and 8 were amended by S.I. 1995/710.

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

(28) S.I. 2006/2078.

*Status: This is the original version (as it was originally made).*

- (a) regulation 3(1)(a),
- (b) regulation 8(1), and
- (c) regulation 13(1).

**16.**—(1) Schedule 1 to the Building Societies (Insolvency and Special Administration) Order 2009(**29**) is amended as follows.

- (2) In paragraph 3(d) and (i), for “FSA”, in each place, substitute “FCA”.
- (3) In paragraph 13(6), in the modification of—
  - (a) section 218 of the Insolvency Act 1986—
    - (i) in paragraph (d), for “FSA” substitute “FCA or the PRA”, and
    - (ii) in paragraph (e), for “FSA” substitute “FCA or, as the case may be, the PRA”; and
  - (b) section 219 of that Act, for “FSA” substitute “FCA or, as the case may be, the PRA”.
- (4) In paragraph 16(b) and (c), for “FSA” substitute “FCA”.
- (5) In paragraph 17, for “FSA”, in each place, substitute “FCA”.
- (6) In paragraph 21, for “FSA” substitute “PRA”.
- (7) In paragraph 30—
  - (a) in sub-paragraph (2), for “FSA” substitute “FCA and the PRA”, and
  - (b) in sub-paragraph (4), for “FSA” substitute “FCA”.
- (8) In paragraph 32A(**30**), for “FSA” substitute “FCA and the PRA”.

**17.** In regulation 3(3)(d) of the Mutual Societies (Transfers of Business) (Tax) Regulations 2009(**31**), for “Financial Services Authority” substitute “appropriate authority”.

**18.**—(1) The Building Societies (Financial Assistance) Order 2010(**32**) is amended as follows.

- (2) In article 2, omit the definitions of—
  - (a) “the Authority”, and
  - (b) “section 1(1)(a) function”.
- (3) In article 3—
  - (a) in paragraph (3), omit “on the Authority”, and
  - (b) for paragraph (5) substitute—

“(5) A building society to which paragraph (3) applies is to be disregarded for the purposes of section 1(1)(a) and (1A)(a) of the 1986 Act.”.
- (4) In article 4—
  - (a) in paragraph (3), omit “on the Authority”, and
  - (b) for paragraph (5) substitute—

“(5) A building society to which paragraph (3) applies is to be disregarded for the purposes of section 1(1)(a) and (1A)(a) of the 1986 Act.”.
- (5) In article 11—
  - (a) in paragraph (4)(a), for “Authority”, in each place, substitute “FCA or the PRA”,

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(29) [S.I. 2009/805](#), as amended by [S.I. 2010/1189](#).

(30) Paragraph 32A was inserted by [S.I. 2010/1189](#).

(31) [S.I. 2009/2971](#).

(32) [S.I. 2010/1188](#).

- (b) in paragraph (6), in the paragraph 27C(a) substituted by that paragraph, for “Authority” substitute “Financial Conduct Authority”,
- (c) in paragraph (7), for “Authority”, in each place, substitute “FCA or, as the case may be, the PRA”, and
- (d) in paragraph (9), in the paragraph 49C(a) substituted by that paragraph, for “Authority” substitute “Financial Conduct Authority”.

**19.**—(1) The Building Society Special Administration (England and Wales) Rules 2010(**33**) are amended as follows.

(2) In rule 4(1)—

- (a) in sub-paragraphs (e) and (f), for “FSA”, in each place, substitute “FCA”, and
- (b) in sub-paragraph (h)—
  - (i) for paragraph (iii), substitute—

“(iii) “the FCA” (the Financial Conduct Authority—s 166(2)),”; and
  - (ii) after paragraph (vi), insert—

“(via) “the PRA” (the Prudential Regulation Authority—s 166(2)),”.

(3) In rule 15(d)—

- (a) for “FSA” substitute “FCA and, where relevant, the PRA”, and
- (b) for “Authority” substitute “FCA and PRA”.

(4) In rule 22(f)—

- (a) for “FSA” substitute “FCA and, where relevant, the PRA”, and
- (b) for “Authority” substitute “FCA and PRA”.