

Status: Point in time view as at 01/02/1991.

Changes to legislation: Building Societies Act 1986, Cross Heading: Functions of adjudicator is up to date with all changes known to be in force on or before 27 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 12

SCHEMES FOR INVESTIGATION OF COMPLAINTS

PART III

MINIMUM REQUIREMENTS FOR RECOGNISED SCHEMES: OTHER PROVISIONS

Functions of adjudicator

- 3 A scheme must, as regards the duties and powers attached to the investigation of complaints under the scheme—
- (a) impose on the adjudicator a duty, subject to the provision made in pursuance of sub-paragraph (c) below, to investigate and determine any complaint duly made;
 - (b) impose on the adjudicator a duty to afford the complainant and the society or associated body an opportunity to make representations (whether orally or in writing) in relation to the action complained of;
 - (c) confer power on the adjudicator to advise, mediate or act as conciliator before proceeding further with an investigation;
 - (d) confer power on the adjudicator to extend the scope of his investigation to other matters related to the action complained of; and
 - (e) confer on an adjudicator such powers to require information and documents relevant to the matter to be furnished to him as are necessary for the purposes of the investigation.
- 4 (1) Subject to any provision made in pursuance of sub-paragraph (3) below, a scheme must authorise the adjudicator, in reaching his decision, to have regard to, but not to be bound by, any matter (whether or not of obligation) relevant to the action complained of and to question any decision.
- (2) A scheme must impose on the adjudicator a duty, in reaching his decision, to have regard to—
- (a) the rules (if any) of the society or associated body;
 - (b) the provisions of any deed or contract binding the society and the complainant or, as the case may be, the associated body and the complainant;
 - (c) the provisions of any code of conduct applicable to the conduct by the society or associated body of its affairs or business;
 - (d) any advertisement issued by the society or associated body in connection with any aspect of its activities and any communication with the complainant.

Status: Point in time view as at 01/02/1991.

Changes to legislation: *Building Societies Act 1986, Cross Heading: Functions of adjudicator is up to date with all changes known to be in force on or before 27 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) Subject to sub-paragraph (4) below, a scheme may preclude the adjudicator, in his determination, from questioning the merits of any decision taken by the society or associated body with reference to—
- (a) the taking or conduct of legal proceedings to enforce any right of the society or associated body; or
 - (b) the creditworthiness, for the purposes of any advance or other service or facility, of the complainant;
- but not otherwise.
- (4) Where investigation of a complaint on the ground of maladministration involves consideration by the adjudicator of any decision taken with reference to the creditworthiness of the complainant the scheme must confer power on the adjudicator to direct the society or associated body to take its decision again and reach it by proper procedures.
- 5 (1) Subject to sub-paragraph (2) below, a scheme must confer power on the adjudicator, by his determination, to do either or both of the following, that is to say—
- (a) direct the society or associated body whose action is complained of to take or desist from taking such steps as are specified in the determination;
 - (b) order the society or associated body whose action is complained of to pay the complainant a sum by way of compensation for the loss, expense or inconvenience caused by the action.
- (2) A scheme may impose a limit on the amount of compensation that a society or associated body may be ordered to pay a complainant, but the limit must not be less than £100,000.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

Building Societies Act 1986, Cross Heading: Functions of adjudicator is up to date with all changes known to be in force on or before 27 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.