

*Status: Point in time view as at 01/02/1991.*

**Changes to legislation:** Building Societies Act 1986, Cross Heading: Permissible exclusions from investigation is up to date with all changes known to be in force on or before 25 September 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

##### *Permissible exclusions from investigation*

2 A scheme must not exclude action from investigation on any other than the following grounds, that is to say—

- (a) that the complaint is frivolous or vexatious;
- (b) that the action is the subject of proceedings in a court of law or was the subject of such proceedings in which a judgment on the merits was given;
- (c) that, where the society or associated body has a procedure for the resolution of complaints by it (an “internal procedure”), the procedure has not been invoked or has not been exhausted;
- (d) that there has been undue delay in having the matter investigated under the scheme; or
- (e) that the action in question occurred outside the United Kingdom.

*Note:* An international procedure for resolution of complaints is not to be treated as having been invoked unless the complainant has made his complaint to the principal office of the society or, as the case may be, the registered office of the associated body and is not to be treated as having been exhausted unless more than three months has elapsed since the complainant invoked it without any decision on his complaint having been communicated to him.

*Note:* Delay in having a matter investigated under the scheme is not “undue delay” unless at least six months (disregarding the period for exhausting the society’s or associated body’s internal procedure) has expired since the matter came to the knowledge of the complainant; and a person is not, for this purpose, to be presumed to have knowledge of the contents of a document which contains or relates to the terms or proposed terms of any transaction between him and the society.

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