

**Changes to legislation:** Building Societies Act 1986, Cross Heading: Right of members to obtain particulars from the register is up to date with all changes known to be in force on or before 07 July 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) View outstanding changes

## SCHEDULES

### SCHEDULE 2

#### ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF BUILDING SOCIETIES

##### Modifications etc. (not altering text)

- C1 Sch. 2 modified (3.1.1995) by 1994 c. 40, ss. 17(3), 82(2)
- C1 Sch. 2 applied (with modifications) (7.4.2010) by The Building Societies (Financial Assistance) Order 2010 (S.I. 2010/1188), arts. 1(2), 8

#### PART I

##### GENERAL

##### *Right of members to obtain particulars from the register*

- 15 [F<sup>1</sup>(1) At any time when a building society—
- (a) has had its [F<sup>2</sup>permission under [F<sup>3</sup>Part 4A] of the Financial Services and Markets Act 2000 to accept deposits cancelled]; and
  - (b) has not [F<sup>4</sup>subsequently been given such permission],
- a member of the society shall, subject to sub-paragraph (1A) below, have the right to obtain, from the register kept under paragraph 13 above, the names and addresses of members of the society, for the purpose of communicating with them on a subject relating to the affairs of the society.
- (1A) Sub-paragraph (1) above shall not apply unless the member in question—
- (a) is qualified under the rules of the society to join in a members' requisition for a special meeting, or to join in nominating a person for election as a director; or
  - (b) would be so qualified if any requirements as to length of time a person must have been a shareholding or borrowing member were omitted.
- (2) If, at any time not falling within sub-paragraph (1) above, a member of a building society who is qualified under the rules of the society to join in a members' requisition for a special meeting, or to join in nominating a person for election as a director, makes a written application to the [F<sup>5</sup>FCA] for the right to obtain names and addresses from the register, the [F<sup>5</sup>FCA] —
- (a) if satisfied that the applicant—
    - (i) requires that right for the purpose of communicating with members of the society on a subject relating to its affairs; and
    - (ii) has not, since making the application, voluntarily ceased to be a member of the society; and

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(b) having regard to the interests of the members as a whole and to all the other circumstances; <sup>F6</sup> ...

<sup>F6</sup>(c) .....]

[<sup>F7</sup>(2A) The [<sup>F5</sup>FCA] may charge a reasonable fee for considering an application under sub-paragraph (2) above.]

(3) Any direction under sub-paragraph (2) above may be given subject to such limitations or conditions as the [<sup>F5</sup>FCA] may think fit.

[<sup>F8</sup>(3A) The FCA must consult the PRA before giving a direction under sub-paragraph (2).]

(4) Before giving a direction under sub-paragraph (2) above, the [<sup>F5</sup>FCA] shall give particulars of the application to the building society and shall afford the society an opportunity of making representations with respect to the application; and the [<sup>F5</sup>FCA] shall, if the applicant or the society so requests, afford to the applicant and to the society an opportunity of being heard by it.

(5) A member entitled under this paragraph to obtain the names of members of a building society may apply in writing to the society, describing in the application the subject on which he proposes to communicate with other members of the society; and the society shall give him all necessary information as to the place or places where the register, or part of it, is kept, and reasonable facilities for inspecting the register and taking a copy of any names and addresses in the register.

(6) A building society shall not be obliged to disclose to a member making an application under this paragraph any particulars contained in the register other than the names of the members and their addresses, and may construct the register in such a way that it is possible to disclose the names and addresses to inspection without disclosing any such other particulars.

[<sup>F9</sup>(7) No information obtained under sub-paragraph (1) or (2) above or this sub-paragraph and relating to a member of the society may be disclosed except—

- (a) with the consent of that member; or
- (b) in the case of information obtained under sub-paragraph (1) or (2) above, for purposes connected with the purpose mentioned in that paragraph.

(8) Any person who discloses information in contravention of sub-paragraph (7) above shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or both; and
- (b) on summary conviction, to a fine not exceeding the statutory maximum.

<sup>F10</sup>(9) .....

<sup>F10</sup>(10) .....

<sup>F10</sup>(11) .....]

**Textual Amendments**

**F1** Sch. 2 Pt. I para. 15(1)(1A)(2) substituted for Sch. 2 para. 15(1)(2) (9.6.1997) by 1997 c. 32, s. 37(1); S.I. 1997/1427, art. 2(i)

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- F2** Words in Sch. 2 para. 15(1)(a) substituted (17.8.2001 for certain purposes and otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8, 13(1), **Sch. 3 Pt. II para. 200(h)(i)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2**
- F3** Words in Sch. 2 para. 15(1) substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 8 para. 53(8)(b)** (with Sch. 12)
- F4** Words in Sch. 2 para. 15(1)(b) substituted (17.8.2001 for certain purposes and otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8, 13(1), **Sch. 3 Pt. II para. 200(h)(ii)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2**
- F5** Word in Sch. 2 para. 15 substituted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 8 para. 53(8)(a)** (with Sch. 12)
- F6** Sch. 2 para. 15(c) and the word “and” immediately preceding repealed (1.12.2001) by S.I. 2001/2617, **arts. 2(b), 13(2)**, Sch. 4 (with S. 13(3), Sch. 5); S.I. 2001/3538, **art. 2**
- F7** Sch. 2 para. 15(2A) inserted (17.8.2001 for certain purposes and otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8, 13(1), **Sch. 3 Pt. II para. 200(h)(v)** (with S. 13(3), Sch. 5); S.I. 2001/3538, **art. 2**
- F8** Sch. 2 para. 15(3A) inserted (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), art. 1(1), **Sch. 8 para. 53(8)(c)** (with Sch. 12)
- F9** Sch. 2 Pt. I para. 15(7)-(11) inserted (9.6.1997) by 1997 c. 32, s. 37(2); S.I. 1997/1427, **art. 2(i)**
- F10** Sch. 2 para 15(9)-(11) repealed (1.12.2001) by S.I. 2001/2617, arts. 2(b), 13(2), **Sch. 4** (with S. 13(3), Sch. 5); S.I. 2001/3538, **art. 2**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(11)-(14) inserted by [2007 c. 26 s. 1\(2\)](#)
- s. 5(13)(a) substituted by [S.I. 2013/496 Sch. 8 para. 4\(4\)](#)
- s. 7(6A)-(6C) inserted by [2007 c. 26 s. 1\(1\)\(a\)](#)
- s. 7(8A) inserted by [2007 c. 26 s. 1\(1\)\(c\)](#)
- s. 176ZB excluded by [S.I. 2017/400 reg. 14](#)
- s. 246ZA-246ZC excluded by [S.I. 2017/400 reg. 15](#)
- s. 246ZD excluded by [S.I. 2017/400 reg. 16](#)