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STATUTORY INSTRUMENTS

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**2003 No. 404**

**The Building Societies Act 1986  
(Electronic Communications) Order 2003**

**Consequential amendments: electronic ballots**

**30.**—(1) The 1986 Act is amended as follows.

(2) In section 60 (directors: elections and retirements)—

(a) in subsection (1)(b) after “by postal” insert “or electronic”; and

(b) in subsection (17), in the definition of “voting date”—

(i) in paragraph (b), after “by postal ballot” insert “or by electronic ballot in the case of which not all the voting is electronic (within the meaning of paragraph 33A of Schedule 2)”,

(ii) after paragraph (b) insert—

“(bb) in the case of an election conducted by electronic ballot in which all the voting is electronic voting (within the meaning of that paragraph), the date which the society specifies as the final date for registering votes;”, and

(c) in subsection (17), for “by postal ballot” (in the second place it occurs) substitute “by postal or electronic ballot”.

(3) In section 61 (directors: supplementary provisions as to elections, etc.)—

(a) in subsection (7)(b), for “the ballot papers are” substitute “the notice of the postal or electronic ballot is”; and

(b) in subsection (12), after “postal” (in both places) insert “or electronic”.

(4) In section 66A (transactions with directors and persons connected with them)(1), in subsection (8)(a) after “on a postal” insert “or electronic”.

(5) In section 92A (acquisition or establishment of a business)(2), in subsection (2)(b) after “in a postal” insert “or electronic”.

(6) In Schedule 2—

(a) in sub-paragraph (3) of paragraph 17 (powers of directors to bind society); and

(b) in sub-paragraph (9)(a) of paragraph 20A (special meeting on members' requisition)(3), after “on a postal” insert “or electronic”.

(7) In that Schedule, in paragraph 23 (members' entitlement to vote on resolutions)—

(a) in sub-paragraph (4)(b) after “on a postal” insert “or electronic”;

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(1) Section 66A was inserted by the Building Societies Act 1997 (c. 32), section 38.

(2) Section 92A was inserted by the Building Societies Act 1997, section 29.

(3) Paragraph 20A was inserted by the Building Societies Act 1997, section 25.

- (b) in sub-paragraph (6)(b), after “by postal ballot” insert “or by electronic ballot in the case of which not all the voting is electronic (within the meaning of paragraph 33A of Schedule 2)”; and
  - (c) after that sub-paragraph, insert—
    - “(bb) in the case of an election conducted by electronic ballot in which all the voting is electronic voting (within the meaning of that paragraph), the date which the society if species as the final date for registering votes;”.
- (8) In that Schedule, in sub-paragraph (1)(b) of paragraph 27, after “in a postal” insert “or electronic”.
- (9) In that Schedule, in paragraph 31 (members' right to propose and circulate resolutions), in sub-paragraph (5), after “a postal” insert “or electronic”.
- (10) In that Schedule, in sub-paragraph (1) of paragraph 33 (postal ballots) omit the words from “and in this Act “ballot” or “postal ballot”,” to the end of that sub-paragraph.
- (11) In that Schedule, in paragraph 34 (declaration to be made in proxy and ballot forms), in sub-paragraph (1)(b), after “a postal” insert “or electronic”.
- (12) In that Schedule, in paragraph 35 (advertising requirements in lieu of notice of meetings etc.)—
- (a) in sub-paragraph (1), after “or postal” insert “or electronic”;
  - (b) in sub-paragraph (3), after “completed ballot papers” insert “or for the registration of votes in an electronic ballot (as the case may be)”; and
  - (c) in sub-paragraph (4), after “the ballot papers” insert “, or, in the case of an electronic ballot, how members may access electronic voting facilities”.