
STATUTORY INSTRUMENTS

2014 No. 229

The Co-operative and Community Benefit Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014

Amendment of the 1965 Act

17.—(1) The 1965 Act is amended as follows.

(2) After section 43 (duties of receiver or manager of society's property) insert—

“43A Floating charge holder not to appoint administrative receiver

(1) The holder of a qualifying floating charge in respect of the property of a relevant society whose registered office is situated in England and Wales may not appoint an administrative receiver of the society.

(2) This section applies to a floating charge which is created by a relevant society on or after 6th April 2014 and is either—

- (a) a charge in respect of which an application has been made for the purposes of section 1 of the Industrial and Provident Societies Act 1967^{M1}; or
- (b) created by a debenture registered under section 9 of the Agricultural Credits Act 1928^{M2} as applied by section 14 of that Act.

(3) This section applies in spite of any provision of an agreement or instrument which purports to empower a person to appoint an administrative receiver (by whatever name).

(4) In this section—

“administrative receiver”, in relation to a relevant society, means—

- (a) a receiver or manager of the whole (or substantially the whole) of the society's property appointed by or on behalf of the holder of a floating charge; or
- (b) a person who would be such a receiver or manager but for the appointment of some other person as the receiver of part of the society's property; and

“holder of a qualifying floating charge in respect of the property of a relevant society” has the meaning given in paragraph 14 of Schedule B1 to the Insolvency Act 1986 as applied in relation to a relevant society by an order made under section 255 of the Enterprise Act 2002.”.

(3) In section 49 (appointment of inspectors and calling of special meetings)^{M3} after subsection (1) insert—

“(1A) The power of the FCA to call a special meeting of a relevant society in respect of which a moratorium is in force under section 1A of the Insolvency Act 1986 is subject to paragraph 12(1)(b) of Schedule A1 to that Act^{M4} as applied in relation to a relevant society by an order made under section 255 of the Enterprise Act 2002.”.

(4) In section 55 (dissolution of society)^{M5} after subsection (1C) insert—

Changes to legislation: *There are currently no known outstanding effects for the The Co-operative and Community Benefit Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014, Section 17. (See end of Document for details)*

“(1D) A relevant society may also be dissolved under paragraph 84 of Schedule B1 to the 1986 Act as applied in relation to a relevant society by an order made under section 255 of the Enterprise Act 2002.”.

(5) In section 74 (interpretation — general), in subsection (1) at the end insert—

““relevant society” means a registered society which is not—

- (a) a private registered provider of social housing; or
- (b) registered as a social landlord under Part 1 of the Housing Act 1996 or under Part 2 of the Housing (Scotland) Act 2010.”.

Marginal Citations

- M1** Section 1 was amended by [S.I. 1996/1738](#), 2001/2617 and 2001/3649.
- M2** [1928 c. 43](#). Section 9 was amended by the [Land Charges Act 1972 \(c. 61\)](#), [Schedule 3](#), paragraph 7, and by [S.I. 2011/2436](#).
- M3** Section 49 was amended by [S.I. 2001/2617](#) and 2013/496.
- M4** Section 1A and Schedule A1 were inserted by the [Insolvency Act 2000 \(c. 39\)](#), [section 1](#) and Schedule 1, paragraphs 1, 2 and 4.
- M5** Section 55 was substituted by [S.I. 2009/1941](#); and was amended by [S.I. 2011/2687](#) and 2013/496.

Changes to legislation:

There are currently no known outstanding effects for the The Co-operative and Community Benefit Societies and Credit Unions (Arrangements, Reconstructions and Administration) Order 2014, Section 17.