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## SCHEDULES

### SCHEDULE 14

#### SETTLEMENT OF DISPUTES

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

C1 Sch. 14 excluded (*temp.*) by S.I. 1986/2168, art. 3(1)(4)

### PART II

#### ARBITRATION

##### *Circulation of election addresses, resolutions and statements*

- 4 (1) If the rules of the society so provide, any dispute in respect of a refusal by a building society to send to its members—
- (a) copies of an election address [<sup>F1</sup>or a revised election address], in accordance with section 61(7), or
  - (b) any document required to be sent under [<sup>F2</sup>paragraph 20A(1)(b) or 31(1)] of Schedule 2 to this Act,
- shall, unless the refusal is on one of the grounds specified in sub-paragraph (2) below, be referred to arbitration.
- (2) Those grounds are—
- (a) that publicity for the document in question would be likely to diminish substantially the confidence in the society of investing members of the public, or
  - (b) that the rights conferred by section 61(7) or [<sup>F3</sup>paragraph 20A(1)(b) or 31(1)] are being abused to seek needless publicity for defamatory matter.

##### Textual Amendments

- F1** Words in Sch. 14 para. 4(1) inserted (1.12.1997 in specified cases and for specified purposes and otherwise in accordance with art. 2(2)(3)(5) of S.I. 1997/2668) by 1997 c. 32, ss. 43, 47(3), Sch. 7 para. 64(2)(a); S.I. 1997/2668, art. 2, Sch. Pt. II(w)(z)(xxxvii)
- F2** Words in Sch. 14 para. 4(1) substituted (1.12.1997 in specified cases and for specified purposes and otherwise in accordance with art. 2(2)(3)(5) of S.I. 1997/2668) by 1997 c. 32, ss. 43, 47(3), Sch. 7 para. 64(2)(b); S.I. 1997/2668, art. 2, Sch. Pt. II(w)(z)(xxxvii)
- F3** Words in Sch. 14 para. 4(2) substituted (1.12.1997 in specified cases and for specified purposes and otherwise in accordance with art. 2(2)(3)(5) of S.I. 1997/2668) by 1997 c. 32, ss. 43, 47(3), Sch. 7 para. 64(3); S.I. 1997/2668, art. 2, Sch. Pt. II(w)(z)(xxxvii)

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### *[<sup>F4</sup>Calling of special meeting]*

#### Textual Amendments

**F4** Sch. 14 para. 4A and cross-heading preceding it inserted (1.12.1997 in specified cases and for specified purposes and otherwise in accordance with art. 2(2)(3)(5) of S.I. 1997/2668) by 1997 c. 32, ss. 43, 47(3), Sch. 7 para. 64(4); S.I. 1997/2668, art. 2, Sch. Pt. II(w)(z)(xxxvii)

[<sup>F5</sup>4A If the rules of the society so provide, any dispute in respect of a refusal by a building society to call a special meeting required to be called under paragraph 20A(1)(a) of Schedule 2 to this Act shall be referred to arbitration.]

#### Textual Amendments

**F5** Sch. 14 para. 4A and cross-heading preceding it inserted (1.12.1997 in specified cases and for specified purposes and otherwise in accordance with art. 2(2)(3)(5) of S.I. 1997/2668) by 1997 c. 32, ss. 43, 47(3), Sch. 7 para. 64(4); S.I. 1997/2668, art. 2, Sch. Pt. II(w)(z)(xxxvii)

### *Procedure on a reference to arbitration*

- 5
- (1) This paragraph has effect in relation to an arbitration under paragraph 4(1) above.
  - (2) One or more arbitrators shall be appointed in the manner provided for by the rules of the building society; and so shall another arbitrator if an appointed arbitrator dies or refuses to act.
  - (3) No arbitrator acting on a reference shall be beneficially interested (whether directly or indirectly) in the funds of the society.
  - (4) The rules of the society may provide for the procedure to be followed on a reference to arbitration.
  - (5) An award made by arbitrators, or the majority of them, shall be final and binding.
  - (6) For the purposes of [<sup>F6</sup>Part I of the Arbitration Act 1996] the rules of the society shall be treated as an arbitration agreement.
  - (7) In relation to Scotland, sub-paragraph (6) above shall be omitted.

#### Textual Amendments

**F6** Words in Sch. 14 Pt. II para. 5(6) substituted (31.1.1997) by 1996 c. 23, s. 107(1), Sch. 3 para. 47 (with s. 81(2)); S.I. 1996/3146, art. 3 (with transitional provisions in art. 4, Sch. 2)

### *Access to register of members*

- 6
- (1) Any dispute as to the rights of a member of a building society under paragraph 15 of Schedule 2 to this Act shall be referred to the [<sup>F7</sup>Authority].
  - (2) The reference of a dispute to the [<sup>F7</sup>Authority] under this paragraph shall be treated as a reference to arbitration; and its award shall have the same effect as that of an arbitrator acting in a reference under paragraph 4(1) above.

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#### Textual Amendments

- F7** Words in [Sch. 15 para. 6\(1\)\(2\)](#) substituted (17.8.2001 for certain purposes and otherwise 1.12.2001) by 2001/2617 arts. 2, 8, 13(1), Sch. 3 Pt. II para. 208(a)(i) (with art. 13(3), Sch. 5); [S.I. 2001/3538](#) art. 2

#### *Disputes cognizable under a scheme*

- [<sup>F8</sup>7 (1) Any dispute relating to a [<sup>F9</sup>relevant service] action in relation to which is subject to investigation under section 83 may, if the complainant and the society or, as the case may be, the complainant and the [<sup>F10</sup>connected undertaking] agree, instead of being determined by the adjudicator under the scheme, be referred to him as arbitrator.
- (2) The reference of a dispute to an adjudicator under sub-paragraph (1) above shall be treated as a reference to arbitration, and his award shall have the same effect as that of an arbitrator acting in a reference under paragraph 4(1) above.
- (3) Any expression used in this paragraph and section 83 has the same meaning in this paragraph as in that section.]

#### Textual Amendments

- F8** [Sch. 14 para. 7](#) omitted (17.8.2001 for certain purposes otherwise *prosp.*) by virtue of [S.I. 2001/2617](#) arts. 2, 8, 13(1), Sch. 3 Pt. II para. 208(b) (with art. 13(3), Sch. 5) and repealed (*prosp.*) by [S.I. 2001/2617](#), arts. 2(b), 13(2), [Sch. 4](#) (with art. 13(3), [Sch. 5](#))
- F9** Words in [Sch. 14 para. 7\(1\)](#) substituted (1.12.1997) by 1997 c. 32, s. 43, [Sch. 7 para. 64\(5\)\(a\)](#); [S.I. 1997/2668](#), art. 2, [Sch. Pt. I\(j\)\(I\)\(xviii\)](#)
- F10** Words in [Sch. 14 para. 7\(1\)](#) substituted (1.12.1997) by 1997 c. 32, s. 43, [Sch. 7 para. 64\(5\)\(b\)](#); [S.I. 1997/2668](#), art. 2, [Sch. Pt. I\(j\)\(I\)\(xviii\)](#)

#### *General*

- 8 In this Part of this Schedule, in relation to an arbitration in Scotland, references to an arbitrator shall be read as references to an arbiter.

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