



# Co-operative and Community Benefit Societies Act 2014

## 2014 CHAPTER 14

### PART 1

#### REGISTRATION

##### *Registration*

## **2 Societies that may be registered**

- (1) A society for carrying on any industry, business or trade (including dealings of any kind with land) which meets the conditions in subsection (2) may be registered under this Act as—
  - (a) a co-operative society, or
  - (b) a community benefit society.
- (2) The conditions are—
  - (a) that it is shown to the satisfaction of the FCA—
    - (i) in the case of registration as a co-operative society, that the society is a bona fide co-operative society, or
    - (ii) in the case of registration as a community benefit society, that the business of the society is being, or is intended to be, conducted for the benefit of the community,
  - (b) that—
    - (i) the society has at least 3 members, or
    - (ii) the society has 2 members both of which are registered societies,
  - (c) that the society's rules contain provision in respect of the matters mentioned in section 14, and
  - (d) that the place that under those rules is to be the society's registered office is in Great Britain or the Channel Islands.

*Status: Point in time view as at 01/08/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Co-operative and Community Benefit Societies Act 2014, Cross Heading: Registration. (See end of Document for details)*

- (3) For the purposes of subsection (2)(a)(i) “co-operative society” does not include a society that carries on, or intends to carry on, business with the object of making profits mainly for the payment of interest, dividends or bonuses on money invested or deposited with, or lent to, the society or any other person.
- (4) For registration under this Act as a credit union, see the Credit Unions Act 1979.

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

- C1** S. 2 excluded by 1979 c. 34, s. 2(1) (as substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 3\(2\)](#) (with [Sch. 5](#)))

### 3 Registration

- (1) An application for the registration of a society under this Act is made by sending the following to the FCA—
- (a) an application for registration, signed by—
    - (i) the society's secretary and 3 of its members, or
    - (ii) where both or all of its members are registered societies, the secretaries of 2 of those registered societies, and
  - (b) 2 copies of the society's rules or, if the application is made by electronic means, 1 copy of those rules.
- (2) If the FCA is satisfied that the society has complied with the requirements under this Act as to registration, it must—
- (a) register the society, and
  - (b) give the society an acknowledgment of registration bearing the FCA's seal.
- (3) A registered society is by virtue of its registration a body corporate by its registered name, with limited liability.
- (4) The society may sue and be sued by its registered name.
- (5) Registration vests in the society all property for the time being vested in any person in trust for the society.
- (6) Any legal proceedings pending by or against the trustees of the society may (once the society is registered) be brought or continued by or against the society.
- (7) The acknowledgement of registration also constitutes an acknowledgment of, and is conclusive evidence of, the registration under this Act of the rules of the society in force at the date of the society's registration.

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

- C2** S. 3(1)(a)(i) modified by 1979 c. 34, s. 6(1A) (as inserted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 6\(3\)](#) (with [Sch. 5](#)))
- C3** S. 3(2) applied (with modifications) by 1979 c. 34, s. 2(2) (as substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 3\(2\)](#) (with [Sch. 5](#)))

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#### **4 Registration etc: special cases**

- (1) A society which has any withdrawable share capital may not be registered with the object of carrying on the business of banking.
- (2) Section 67(2) (taking of deposits below limits specified there not to be treated as carrying on the business of banking) applies for the purposes of subsection (1).
- (3) For the prohibition on registering a society whose objects are wholly or substantially those of a credit union otherwise than as a credit union, see section 2(3) of the Credit Unions Act 1979.
- (4) Subsection (5) applies where, for the purposes of securing (and maintaining) approval of its profit sharing scheme in accordance with Part 1 of Schedule 9 to the Income and Corporation Taxes Act 1988, the rules of a society that is a workers' co-operative contain any of the following—
  - (a) provision for membership of the society by trustees of the scheme;
  - (b) provision denying voting rights to those trustees;
  - (c) other provisions which appear to the FCA to be reasonably necessary for that purpose.
- (5) The provisions are to be disregarded in determining—
  - (a) whether the society should be registered as a co-operative society under this Act;
  - (b) if the society is a registered society, whether for the purposes of this Part the society is a bona fide co-operative society.

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

- C4** S. 4(2) excluded by 1979 c. 34, s. 2(1) (as substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 3\(2\)](#) (with Sch. 5))

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**Changes to legislation:**

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