SCHEDULE 3

ENACTMENTS AMENDED

PART III

INDUSTRIAL AND PROVIDENT SOCIETIES

Amendments to the Industrial and Provident Societies Act 1965

214. The Industrial and Provident Societies Act 1965(**1**) is amended as follows.

215. For the words—

(i) "the appropriate registrar",

(ii) "that registrar",

(iii) "the chief registrar" , and

(iv) "the central office",

wherever they appear (unless provision is made below for them to be omitted or otherwise amended), there is substituted "the Authority".

216. In section 5(**2**)—

(a) in subsection (3)(b) for sub-paragraphs (i) and (ii) there is substituted "of the Authority.", and

(b) in subsection (5) for the word "he", both times it occurs, there is substituted "the Authority".

217. In section 11(1)(**3**) for the words "chief registrar or some other person appointed by him for the purpose" there is substituted "Treasury".

218. In section 16(1)(**4**)—

(a) in subsection (1) for the words "writing under his hand or seal or, in Scotland," there is substituted "in writing",

(b) in paragraph (a) for the word "his" there is substituted "the Authority's",

(c) in paragraph (b) for the word "he", both times it occurs, there is substituted "the Authority", and

(d) in paragraph (c)—

(i) the words "with the approval of the Treasury—" are omitted,

(ii) in sub-paragraph (i)—

(A) for the word "his" there is substituted "the Authority's", and

(B) for the words "a registrar" there is substituted "the Authority", and

(iii) in sub-paragraphs (ii) and (iii) for the word "him" there is substituted "the Authority".

219. In section 16(4)—

(a) for the word "him", both times it appears, there is substituted "the Authority",

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(**1**) 1965 c. 12.
(**2**) Relevant amendments to section 5 are made by the Welsh Language Act 1993 (c. 38).
(**3**) Section 11(1) was amended by the Friendly Societies Act 1974 (c. 46), Schedule 9 paragraph 8.
(**4**) Section 16(1) was amended by S.I.1996/1738.

(b) for the word "he", the first time it appears, there is substituted "the Authority", and

(c) for the word "he", the second time it appears, there is substituted "it".

220. In section 17—

(a) in subsection (1)—

(i) the words "with the approval of the Treasury", the first time they appear, are omitted,

(ii) for the words "writing under his hand or seal" there is substituted "notice in writing", and

(iii) in paragraph (b) the words "with the approval of the Treasury, but" are omitted,

(b) in subsection (2) for the words "writing under his hand or seal" there is substituted "notice in writing", and

(c) subsection (6) is omitted.

221. In section 18—

(a) in subsection (1)(a) for the word "he" there is substituted "the Authority", and

(b) in subsection (2), for paragraphs (a) and (b) there is substituted "to the High Court or, in the case of a society whose registered office is situated in Scotland, to the Court of Session".

222. In section 39(3)(**5**) for the word "he" there is substituted "it".

223. In section 44(4) for the words from the beginning to "may" there is substituted "Any person authorised for the purpose by the Authority may, on producing evidence of his authority,".

224. In section 47(1) and (2), for the word "he" there is substituted "it".

225. In section 48(**6**)—

(a) for the word "him", both times it appears, there is substituted "it",

(b) for the word "he", wherever it appears, there is substituted "it", and

(c) for the word "his" there is substituted "its".

226. In section 49—

(a) in subsection (1) the words ", with the consent of the Treasury" are omitted,

(b) in subsection (3) for the word "he" there is substituted "it", and

(c) subsection (7) is omitted.

227. In section 50(4) for the word "him" there is substituted "it".

228. In section 52(**7**) the following are omitted—

(a) in subsection (2) the words "or bearing the signature of the assistant registrar for Scotland, as the case may require," and

(b) in subsection (4) the words "or, under the direction of the chief registrar, by the assistant registrar for Scotland".

229. In section 55(**8**)—

(a) in paragraph (a)(i) the words "within the meaning of this Act" are omitted, and

(b) after paragraph (a)(i) there is inserted—

(**5**) Section 39(3) was repealed in part by S.I. 1996/1738.
(**6**) There are amendments to section 48 which are not relevant to this Order.
(**7**) Section 52(2) was amended by the Companies Consolidation (Consequential Provisions) Act 1985 (c. 9), Schedule 2.
(**8**) Section 55 was amended by the Insolvency Act 1986 (c. 45), Schedule 14.

"(ia) any reference in those provisions to a company registered in Scotland shall have effect as a reference to a society registered under this Act whose registered office is situated in Scotland;".

230. In section 60(**9**)—

(a) in subsection (1) before "(4)" there is inserted "(2A),",

(b) after subsection (1) there is inserted—

"(1A) Nothing in subsection (1) above or in rules of a kind mentioned in that subsection prevents any person, in accordance with the scheme for which Part XVI of the Financial Services and Markets Act 2000 provides (the ombudsman scheme), from having a complaint dealt with under such a scheme before, or instead of, determination in the manner directed in the rules.",

(c) after subsection (2) there is inserted—

"(2A) If the rules contain directions by virtue of which a dispute would fall to be determined by the Authority, the dispute shall instead be referred to the county court or, in Scotland, to the sheriff for determination.",

(d) in subsection (8)—

(i) for paragraph (a) there is substituted—

"(a) a county court or, in Scotland, the sheriff shall have power to order the expenses of determining the dispute to be paid either out of the funds of the society or by such parties to the dispute as it thinks fit;",

(ii) in paragraph (b) for the words "might have been granted by a registrar to whom the dispute had been referred" there is substituted "the court considers necessary for the just and expeditious disposal of the dispute", and

(iii) paragraph (c) is omitted, and

(e) in subsection (9) for the words "or registrar to whom" there is substituted "to which".

231. In section 61(b) the words "or any assistant registrar" are omitted.

232. In section 66—

(a) in subsection (1)—

(i) the words", and in England and Wales only by," are omitted,

(ii) for sub-paragraph (iii) of paragraph (a) there is substituted—

"(iii) other than in Scotland, the Authority;",

(iii) for paragraph (c) there is substituted—

"(c) in any other case—

(i) any person aggrieved; or

(ii) other than in Scotland, the Authority;

and (except in Scotland) no other person may institute such proceedings.", and

(b) in subsection (2)—

(i) for the words "a registrar or procurator-fiscal" there is substituted "the Authority or by the Lord Advocate", and

(**9**) Relevant amendments to section 60 are made by the Friendly Societies Act 1992 (c. 40), section 83 and the Arbitration Act 1996 (c. 23), Schedule 3 paragraph 20 and Schedule 4.

(ii) for the words "appropriate registrar" there is substituted "Authority (or the Lord Advocate, as the case may be)".

233. In section 67(1) the words "or any other registrar" are omitted.

234. Before section 71 there is inserted—

"**Fees for inspection or copying of documents.**

70A. Before the Authority allows any person to inspect any document held by it in connection with this Act, or provides any person with a copy of any such document (or part of such document), it may charge that person a reasonable fee."

235. For section 72(2)(**10**) there is substituted—

"(2) Any document bearing the seal or stamp of the Authority shall be received in evidence without further proof.

(3) Any document purporting to have been signed by a person authorised to do so on behalf of the Authority, and every document purporting to be signed by any inspector under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.

(4) In subsections (2) and (3), "document" means any document issued, received or created by the Authority (or, as the case may be, by any inspector under this Act) for the purposes of or in connection with this Act, the Industrial and Provident Societies Act 1967 or the Friendly and Industrial and Provident Societies Act 1968.".

236. Section 73 ceases to have effect.

237. Section 74(**11**) is renumbered as subsection (1) of that section and—

(a) after the definition of "amendment" there is inserted—

""the Authority" means the Financial Services Authority;",

(b) in the definition of "Gazette", in paragraphs (a) and (b) for the words "or its rules are recorded" there is substituted "or the society carries on business", and

(c) at the end there is inserted—

"(2) Any reference in this Act to the seal of the Authority is a reference to the seal provided for in regulations made under section 109(1)(b) of the Friendly Societies Act 1974 (and not to the Authority's common seal), and any reference to a document sealed by the Authority is a reference to a document sealed with that seal.".

238. In section 76(1)—

(a) for the words from "central office" to "is the appropriate registrar" there is substituted "Authority to be recorded by it and have been so recorded, then, for the purposes of the operation of this Act in Great Britain and the Channel Islands", and

(b) for the words "appropriate registrar for that area" there is substituted "Authority".

(**10**) Section 72(2) was repealed in part by the Friendly and Industrial and Provident Societies Act 1968 (c. 55), Schedule 2.
(**11**) There are amendments to section 74 which are not relevant to this Order.