STATUTORY INSTRUMENTS

1986 No. 2155

BUILDING SOCIETIES

The Building Societies (General Charge and Fees) Regulations 1986

Made - - - - -	*8th December* 1986
Laid before Parliament	*10th December* 1986
Coming into Operation	*1st January* 1987

The Treasury, in exercise of the powers conferred on them by sections 2(2) and 116(2) of the Building Societies Act 1986**(a)** and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Building Societies (General Charge and Fees) Regulations 1986 and shall come into operation on 1st January 1987.

Interpretation

2. In these Regulations—

"the Act" means the Building Societies Act 1986;

"authorised", in relation to any time, means having an authorisation under or by virtue of any provision of the Act, the Building Societies (Authorisation) Regulations 1981**(b)** or the Building Societies (Authorisation) Regulations (Northern Ireland) 1982**(c)** current at that time;

"the payment date" means 1st February 1987;

"the previous enactments" means the Building Societies Act 1962**(d)** and the Building Societies Act (Northern Ireland) 1967**(e)**;

"registered", in relation to any time, means having the status of a society registered or deemed to be registered under the Act at that time;

"the relevant year" means the period of 12 months ending on 24th September 1986; and

"society" means a building society.

(a) 1986 c. 53.
(b) S.I. 1981/1488, revoked by the Building Societies Act 1986.
(c) S.R. (N.I.) 1982 No. 155, revoked by the Building Societies Act 1986.
(d) 1962 c. 37, repealed by the Building Societies Act 1986.
(e) 1967 c. 31 (N.I.), repealed by the Building Societies Act 1986.

General charge in respect of the Commission's first accounting year

3.—(1) Each society which—

(*a*) is or was authorised at any time during the Commission's first accounting year on or before the payment date; and

(*b*) is not dissolved or wound up, or in the course of dissolution or winding up, on that date,

shall pay, with respect to the Commission's first accounting year, a sum determined in accordance with paragraph (3) below.

(2) Any society which is authorised during the Commission's first accounting year only after the payment date shall pay, with respect to that year, a sum determined in accordance with paragraph (3) below unless—

(*a*) the society was registered on the union, under section 18 of the previous enactments, or the amalgamation, under section 93 of the Act, of two or more other societies, and

(*b*) at least one of those other societies was a society to which paragraph (1) above applied.

(3) The sum due under paragraph (1) or (2) above (as the case may be) is—

(*a*) in the case of any society a financial year of which ended in the relevant year—

(i) a sum equal to 0.001 per cent of the aggregate value of the society's assets as shown in its balance sheet as at the end of that financial year;

(ii) £75,000, where that amount is less than the sum calculated in accordance with paragraph (i) of this sub-paragraph; or

(iii) £250, where that amount is more than the sum calculated in accordance with paragraph (i) of this sub-paragraph;

(*b*) in the case of any society to which sub-paragraph (*a*) above does not apply and which was formed on the union or amalgamation of two or more societies, financial years of which ended in the relevant year—

(i) a sum equal to 0.001 per cent of the aggregate value of the assets of each of those societies as shown in their respective balance sheets as at the end of those respective financial years;

(ii) £75,000, if the society was formed during the relevant year and that amount is less than the sum calculated in accordance with paragraph (i) of this sub-paragraph;

(iii) £150,000, if the society was formed after the end of the relevant year and that amount is less than the sum calculated in accordance with paragraph (i) of this sub-paragraph;

(iv) £250, if the society was formed during the relevant year and that amount is more than the sum calculated in accordance with paragraph (i) of this sub-paragraph; or

(v) £500, if the society was formed after the end of the relevant year and that amount is more than the sum calculated in accordance with paragraph (i) of this sub-paragraph;

(*c*) in the case of any society to which neither sub-paragraph (*a*) nor sub-paragraph (*b*) above applies, £250.

(4) Where any society, during that part of the Commission's first accounting year which falls before the payment date, has transferred or transfers its engagements to an authorised society under section 19 of the previous enactments or section 94 of the Act, the transferee society shall pay, with respect to the Commission's first accounting year, in addition to any other sum payable by virtue of this regulation, any sum which the transferor society would have been required to pay had it been in existence on the payment date.

Fee in respect of societies' public files

4. Each society which—

(*a*) is registered on or after the payment date and before 1st April 1987; and

(*b*) is not in the course of dissolution or winding up on the payment date,

shall pay a fee of £50 in respect of the central office's function under section 106 of the Act of maintaining the society's public file during the period between 1st January 1987 and 31 March 1987.

Fees in respect of particular Commission functions

5.—(1) A society which applies for authorisation under section 9 of the Act shall pay a fee of £500 in respect of the exercise of the Commission's functions under that section.

(2) A society which proposes to merge with another society, and—

(*a*) applies for consent under section 94(5) of the Act to proceed to undertake to fulfil the engagements of the other society pursuant to a board resolution, or

(*b*) applies for approval under paragraph 1 of Schedule 16 to the Act of the contents of a statement concerning matters relevant to the merger,

shall pay a fee of £2,500 in respect of the Commission's functions in relation to the application and any functions it may exercise subsequently under section 95 of the Act with respect to the proposed merger.

Fees in respect of particular central office functions

6. Any society which submits an application of a nature specified in Schedule 1 to these Regulations shall pay the relevant fee specified in respect of the examination of the application by the central office.

Inspection and copying fees

7. Any person wishing to inspect or to be furnished with a copy of any document in the custody of the central office shall pay the relevant fee specified in Schedule 2 to these Regulations.

Payment of the general charge and fees

8.—(1) Any sum due under regulation 3 above in the case of a society authorised on or before the payment date, or under regulation 4 above in the case of a society registered on that date, is payable on the payment date.

(2) Any sum due under regulation 3 above in the case of a society authorised only after the payment date, or under regulation 4 in the case of a society

registered only after that date, is payable within one month of the date on which the society is authorised or registered (as the case may be).

(3) Any sum due under regulation 5 or regulation 6 in connection with an application made by a society is payable at the time the application is submitted.

(4) Any sum due under regulation 7 in connection with a request to inspect or to be furnished with a copy of any document is payable at the time the request is made.

Mark Lennox-Boyd,
Michael Neubert,
Two of the Lords Commissioners
of Her Majesty's Treasury.

8th December 1986.

SCHEDULE 1

Regulation 6

Nature of application	*Fee payable*
1. For the registration of a society (other than a society established as the successor of societies which have applied for confirmation of an amalgamation under section 93 of the Act), and of the society's memorandum and rules.	£2,400.00
2. For the registration of alterations to the memorandum of a society, by way of the substitution of a new document in place of the document already registered as its memorandum.	£1,500.00
3. For the registration of alterations to the memorandum of a society, otherwise than by way of the substitution of a new document in place of the document already registered.	£750.00
4. For the registration of alterations to a society's rules, by way of the substitution of a new document in place of the document already registered as its rules.	£1,450.00
5. For the registration of alterations to a society's rules, otherwise than by way of the substitution of a new document in place of a document already registered.	£725.00

Regulation 7

SCHEDULE 2

Facility sought	*Fee payable*
1. The inspection on any particular day of documents relating to a single society.	£2.65
2. The provision of a copy of the whole or an extract from any document—	
(*a*) where the copy is a photocopy and is not certified as a true copy of a document in the custody of the central office (except as may be necessary for the examination of the copy);	75p, plus 15p for each page by which the document or extract exceeds 5 pages.
(*b*) where the copy is not a photocopy and is not so certified;	£5.50, plus £1.10 for each complete folio of 72 words by which the document or extract exceeds 216 words.
(*c*) where the copy, whether a photocopy or not, is certified as provided in subparagraph (*a*) above.	£2.65, plus whatever fee would be payable if the copy were not so certified.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for building societies to pay a charge towards the expenses of the Commission established by the Building Societies Act 1986, and fees in respect of particular functions of the Commission and the central office of the Registry of Friendly Societies under that Act. They also prescribe fees payable by persons wishing to inspect or receive copies of documents in the custody of the central office.

The charge is payable by societies which are authorised to raise money from members and accept deposits, and is to meet the Commission's expenses during its first accounting year (beginning on the commencement of Part I of the Building Societies Act on 25th September 1986 and ending, as provided in section 3(5) of the Act, on 31st March 1987). It is anticipated that the charge will yield £900,000. Fees are payable in respect of Commission functions relating to the initial authorisation of individual societies and to mergers between societies, and in respect of the new central office function of maintaining a public file relating to each society. The inspection and copying fees provided for are the same as those specified in the Building Societies (Forms and Fees) Regulations 1962 (S.I. 1962/2045) as amended by the Building Societies (Fees) Regulations 1986 (S.I. 1986/609), and about 5% higher than those specified in the Building Societies (Forms and Fees) Regulations (Northern Ireland) 1968 (S.R. & O. (N.I.) 1968 No. 131) as amended by Building Societies (Fees) (Amendment) Regulations (Northern Ireland) 1985 (S.R. (N.I.) 1985 No. 129); the inspection and copying fees specified in those Regulations cease to have effect on 1st January 1987 by virtue of the repeal of the Building Societies Act 1962 and the Building Societies Act (Northern Ireland) 1967.

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