STATUTORY INSTRUMENTS

1988 No. 448

BUILDING SOCIETIES

The Building Societies (General Charge and Fees) Regulations 1988

Made - - - -	*8th March 1988*
Laid before Parliament	*10th March 1988*
Coming into force	*1st April 1988*

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 1988 and shall come into force on 1st April 1988.

Interpretation

2. In these Regulations–

"the Act" means the Building Societies Act 1986;

"the accounting year 1988–89" means the period of 12 months ending on 31st March 1989;

"amalgamation" means an amalgamation under section 93 of the Act;

"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 31st December 1987;

"society" means a building society; and

"transfer of engagements" means a transfer of engagements under section 94 of the Act.

General charge in respect of the Commission's accounting year 1988–89

3.—(1) Each society which is authorised on the date on which these Regulations come into force shall be virtue of this paragraph assume on that date an obligation to pay, with respect to the accounting year 1988–89, a sum determined in accordance with paragraph (3) below.

(2) Any society which is authorised during the accounting year 1988–89 only after the date on which these Regulations come into force shall by virtue of this paragraph assume, on the date it is first authorised, an obligation to pay with respect to that year a sum determined in accordance with paragraph (3) below unless–

(a) the society was registered on the amalgamation of two or more other societies, and

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

(a) 1986 c.53.

(3) The sum due in pursuance of an obligation assumed 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 0.0021 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) £200,000, where that amount is less than the sum calculated in accordance with paragraph (i) of this sub-paragraph; or

(iii) £650 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 amalgamation of two or more societies, financial years of which ended in the relevant year–

(i) a sum equal to 0.0021 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) £400,000, where that amount is less than the sum calculated in accordance with paragraph (i) of this sub-paragraph; or

(iii) £1,300, where 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, £650.

(4) Where, after 31st December 1987 and before the date on which these Regulations come into force, a society has transferred its engagements to an authorised society under section 94 of the Act, the transferee society shall by virtue of this paragraph assume on that date an obligation to pay, with respect to the accounting year 1988–9, any sum which the transferor society would have assumed an obligation to pay had it been an authorised society on the date on which these Regulations come into force.

Fee in respect of societies' public files

4. Each society which–

(a) is registered on or after the date on which these Regulations come into force and before 1st April 1989, and

(b) is not in the course of dissolution or winding up on the date on which these Regulations come into force,

shall pay a fee of £110 in respect of the Central Office's function under section 106 of the Act of maintaining the society's public file during the accounting year 1988–89.

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 £525 in respect of the exercise of the Commission's functions under that section.

(2) A society which proposed 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 £2,750 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.

(3) Subject to paragraph (4) below, a society which applies for approval of a transfer statement under paragraph 4(2) of Schedule 17 to the Act in connection with a proposed transfer of business shall pay a fee of £50,000 in respect of the Commission's functions in relation to the application and any functions it may exercise subsequently under section 97 of the Act and the applicable provisions of the Act (as referred to in that section) with respect to the proposed transfer of business.

(4) A society which, on its application for approval of a transfer statement as described in paragraph (3) above, pays a fee of £37,500 shall not be required to pay the remaining £12,500 unless and until it applies for confirmation of the proposed transfer of business and its terms under section 97(4)(d) of the Act.

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 any 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 in pursuance of an obligation assumed under regulation 3 above in the case of a society which is authorised on the date on which these Regulations come into force is payable in two equal instalments, the first on 1st May 1988 and the second on 1st October 1988.

(2) Any sum due under regulation 4 above in the case of a society which is registered on the date on which these Regulations come into force is payable on 1st May 1988.

(3) Any sum due in pursuance of an obligation assumed under regulation 3 above in the case of a society authorised only after the date on which these Regulations come into force, 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).

(4) Any sum due under regulation 5 or regulation 6 in connection with an application made by a society is payable, subject to regulation 5(4), at the time the application is submitted.

(5) 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.

Revocation of regulations relating to preceding accounting year

9. The Building Societies (General Charge and Fees) Regulations 1987**(a)** are hereby revoked.

David Lightbown
Mark Lennox-Boyd

8th March 1988 — Two of the Lords Commissioners of Her Majesty's Treasury

(a) S.I. 1987/391.

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), and of the society's memorandum and rules.	£2,650
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.	£1,645
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.	£795
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.	£1,645
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.	£795

SCHEDULE 2

Regulation 7

Facility sought	*Fee payable*
1. The inspection on any particular day of documents relating to a single society.	£3
2. The provision of a copy of the whole of 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)–	
(i) where the copy does not exceed 5 pages, or for the first 5 pages of a copy which exceeds 5 pages	85p
(ii) for every page of a copy after the fifth page	15p
(b) where the copy is not a photocopy and is not so certified–	
(i) where the copy does not exceed 216 words, or for the first 216 words of a copy which exceeds 216 words	£6.10
(ii) for each complete folio of 72 words by which a copy exceeds 216 words	£1.20
(c) where the copy, whether a photocopy or not, is certified as provided in sub-paragraph (a) above (as an addition to whatever fee would be payable if the copy were not so certified).	£3

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supersede the Building Societies (General Charge and Fees) Regulations 1987 ("the 1987 Regulations"), which are revoked. They provide for a general charge to be paid by authorised building societies towards the expenses of the Building Societies Commission. The charge is levied with respect to the Commission's accounting year beginning on 1st April 1988 and ending on 31st March 1989, and is expected to raise £3.322 million. Each society is required to pay a sum equal to 0.0021% of its assets, subject to prescribed minimum and maximum amounts.

The Regulations also provide for fees to be paid by societies in respect of particular functions of the Building Societies Commission and the Central Office of the Registry of Friendly Societies under the Building Societies Act 1986, and fees to be paid by persons wishing to inspect or receive copies of documents in the custody of the Central Office. The fees are approximately 6% higher than those payable under the 1987 Regulations.