1962 No. 1936

BUILDING SOCIETIES

The Building Societies Rules 1962

Made - - - - 31*st August* 1962

Coming into Operation 1*st October* 1962

The Chief Registrar of Friendly Societies, pursuant to the powers conferred upon him by sections 7 (1), 8, 9 (1), 13 (1) and 16 (1) of the Building Societies Act 1939(**a**) and by section 123 (2) of the Building Societies Act 1962(**b**), and to all other powers him enabling, hereby makes the following rules:—

1. In these rules, except in so far as the context otherwise requires, the expressions "building society" and "unincorporated society certified under the Act of 1836" have the meanings assigned to them by sections 1 (4) and 125 (5) of the Building Societies Act 1962 respectively.

2. Every notice given for the purposes of sections 28, 29 and 30 of the Building Societies Act 1962 by a building society, or in relation to any such arrangement as is mentioned in the said section 29 to which a building society is a party, shall be in Forms 1, 2 and 3 respectively as set out in Part I of Schedule 1 hereto.

3. Every notice given for the purposes of sections 7 (1), 8 and 9 (1) of the Building Societies Act 1939 by an unincorporated society certified under the Act of 1836, or in relation to any such arrangement as is mentioned in the said section 8 to which an unincorporated society certified under the Act of 1836 is a party, shall be in the said Forms 1, 2 and 3 respectively, except that for references in the said forms to the Building Societies Act 1962 and to sections thereof there shall be substituted references to the Building Societies Act 1939 and the corresponding sections thereof.

4. Every notice given in Form 1 shall contain the particulars set out in Part II of Schedule 1 hereto.

5. A notice in Form 1 or Form 2 shall be deemed not to have been validly given unless after the giving of the notice and, in the case of a notice in Form 1, before the making of the advance to which the notice relates, or, in the case of a notice in Form 2, before the making of the contract to which the notice relates, the person to whom the notice was given signed a duplicate thereof and delivered it to the person by whom, or on whose behalf, the notice was given.

6. Every notice sent by a building society or unincorporated society certified under the Act of 1836 for the purposes of section 36 of the Building Societies Act 1962 or section 13 (1) of the Building Societies Act 1939 respectively shall contain the particulars set out in Part III of Schedule 1 hereto.

7. The rules specified in Schedule 2 hereto are hereby revoked.

(**a**) 2 & 3 Geo. 6. c. 55. (**b**) 10 & 11 Eliz. 2. c. 37.

8. The Interpretation Act 1889(a) shall apply to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

9. These rules may be cited as the Building Societies Rules 1962, and shall come into operation on 1st October 1962.

Cecil Crabbe,
Chief Registrar of Friendly Societies.

Dated 31st August 1962.

SCHEDULE 1

PART I

BUILDING SOCIETIES ACT 1962 SECTION 28 Form 1

Notice to Prospective Borrower where Security is to be taken from a Third Party

To [*name and address of prospective borrower*].....
.....

Whereas the ..... Building Society is prepared to consider making an advance to you of £..... to assist you in defraying the purchase price of [*description and address of property*]

And whereas the Society proposes to take the said property as security for the advance

Notice is hereby given that:—

(1) the maximum amount which the Society would consider proper to advance upon the security of the property if no other security were taken by the society is £.....

(2) the amount by which the advance exceeds the said maximum amount is £..... Delete if the advance does NOT exceed the maximum amount.

(3) the Society proposes to take security for the advance from a third party, particulars of which are:—

Authentication of notice by or on behalf of the Building Society.

Date Address

Note.—This notice is not validly given unless, before the making of the advance to which it relates, the person to whom it is given signs a duplicate of the notice and delivers it to the person by whom, or on whose behalf, the notice is given.

BUILDING SOCIETIES ACT 1962 SECTION 29 Form 2

Notice to prospective Purchaser before Contract

To [*name and address of prospective purchaser*].

Whereas you are proposing to enter into a contract for the purchase of [*description and address of property*].

Notice is hereby given that there is an arrangement in force with the Building Society under which additional security may be provided by [the vendor, *or as the case may be*] in respect of an

(a) 52 & 53 Vict. c. 63.

advance made by the Society for the purchase of the said property if the Society advances an amount in excess of that which it would consider proper to advance upon the security of the property alone.

Signature
Description [vendor, agent for vendor *or as the case may be*].

Date Address

Note.—This notice is not validly given unless, before the making of the contract to which it relates, the person to whom it is given signs a duplicate of the notice and delivers it to the person by whom, or on whose behalf, the notice is given.

BUILDING SOCIETIES ACT 1962 SECTION 30 Form 3

Notice to Prospective Borrower

To [*name and address of prospective borrower*].

Notice is hereby given that, in the event of the Building Society making an advance to assist you in the purchase of [*description and address of property*], the making of the advance will not imply any warranty by the Society that the purchase price of the property is reasonable.

Authentication of notice by or on behalf of the
Building Society.

Date Address

PART II

Particulars to be contained in Form 1

(1) A description of any security (other than a guarantee given by an individual, not being a guarantee secured by a charge on any property) for the advance which is to be taken from a person other than the member to whom the advance is to be made.

(2) The name and postal address of the individual, company, bank, Local Authority or County Council by whom or by which is to be given any charge, guarantee, mortgage or other security (other than a guarantee given by an individual, not being a guarantee secured by a charge on any property) which is to comprise the said security.

PART III

Particulars to be contained in every notice as to a sale of property sent to a mortgagor under section 36 of the Building Societies Act 1962 or section 13 (1) of the Building Societies Act 1939.

1. The date of the mortgage deed under which the power of sale was exercised.
2. The address of the property sold.
3. The name and address of the vendor.
4. The name and address of the purchaser and of any sub-purchaser.
5. The amount for which the property was sold.
6. Whether the sale was by private treaty or by public auction.
7. The date of the completion of the sale.

SCHEDULE 2

RULES REVOKED

Title	Number
The Building Society Rules 1939	S.R. & O 1939/1359 (Rev. III, p. 268: 1939 I, p. 223).
The Building Society (Amendment) Rules 1959	S.I. 1959/1597 (1959 I, p. 319).
The Building Society (Amendment) Rules 1960	S.I. 1960/426 (1960 I, p. 464).
The Building Society (Amendment) Rules 1961	S.I. 1961/1237 (1961 II, p. 2437).
The Building Society (Amendment) Rules 1962	S.I. 1962/164 (1962 I, p. 165).

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These rules prescribe the forms of, and the particulars to be contained in, notices which are required to be sent by building societies to prospective borrowers, to mortgagors, and to prospective purchasers of properties.

They consolidate with minor amendments the rules which previously prescribed the said forms and particulars and which are now revoked.