

SCHEDULE 11

Article 2(c)

Amendments consequential on Schedules 2 to 10

Consequential amendments to primary legislation

1.—(1) The Housing Associations Act 1985⁽¹⁾ is amended as follows.

(2) In section 84(5)(a)⁽²⁾ (agreements to indemnify certain lenders), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

(3) In section 86(4)⁽³⁾ (agreements to indemnify building societies: Scotland), for “the Financial Services Authority” substitute “the Financial Conduct Authority and the Prudential Regulation Authority”.

2.—(1) In the provisions of the Insolvency Act 1986⁽⁴⁾ listed in sub-paragraph (2), for “Financial Services Authority” substitute “Financial Conduct Authority”.

(2) The provisions are—

(a) section 124(4AA)⁽⁵⁾ (application for winding up);

(b) section 124C(1)(b) and (2)(b)⁽⁶⁾ (petition for winding up a European cooperative society).

3. In section 22E(4)(d) of the Company Directors Disqualification Act 1986⁽⁷⁾ (application of Act to societies registered under the Industrial and Provident Societies Act 1965), as inserted by section 3 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010⁽⁸⁾, for “Financial Services Authority” substitute “Financial Conduct Authority”.

4. In section 229(4) of the Housing (Scotland) Act 1987⁽⁹⁾ (local authority indemnities for building societies, etc.), for “Financial Services Authority” substitute “Financial Conduct Authority and the Prudential Regulation Authority”.

5.—(1) In the provisions of the Housing Act 1996⁽¹⁰⁾ listed in sub-paragraph (2), for “Financial Services Authority”, in each place, substitute “Financial Conduct Authority”.

(2) The provisions are—

(a) section 3(3)(b)⁽¹¹⁾ (registration);

(b) section 4(6)(b)⁽¹²⁾ (removal from the register);

(c) section 6(3)(b)⁽¹³⁾ (appeal against decision on removal);

(d) section 45(4)(d)⁽¹⁴⁾ (effect of agreed proposals);

(e) section 48(3)⁽¹⁵⁾ (powers of the manager: transfer of engagements); and

(1) 1985 c.69.

(2) Paragraph (a) was amended by S.I. 2001/3649 and S.I. 2009/484.

(3) Subsection (4) was amended by S.I. 1996/2325 and S.I. 2001/3649.

(4) 1986 c.45.

(5) Section 124(4AA) was inserted by S.I. 2006/2078.

(6) Section 124C was inserted by S.I. 2006/2078.

(7) 1986 c.46.

(8) 2010 c.7.

(9) 1987 c.26. Section 229(4) was amended by S.I. 2001/3649.

(10) 1996 c.52.

(11) Section 3(3)(b) was amended by S.I. 2001/3649.

(12) Section 4(6)(b) was amended by S.I. 2001/3649.

(13) Section 6(3)(b) was amended by S.I. 2001/3649.

(14) Section 45(4)(d) was amended by S.I. 2001/3649. There are other amending instruments, but none is relevant.

(15) Section 48(3) was amended by S.I. 2001/3649.

Status: This is the original version (as it was originally made).

(f) paragraphs 9, 12 and 15H(5)(**16**) of Part 2 of Schedule 1 (registered social landlords: regulation).

6.—(1) In the provisions of the Housing (Scotland) Act 2001(**17**) listed in sub-paragraph (2), for “Financial Services Authority” substitute “Financial Conduct Authority”.

(2) The provisions are—

- (a) section 59(3) (registration);
- (b) section 60(5) (removal from the register); and
- (c) section 62(3) (appeal against decision on registration or removal).

7. In section 58(7)(b) of the Charities and Trustee Investment (Scotland) Act 2005(**18**) (conversion: supplementary), for “Financial Services Authority” substitute “Financial Conduct Authority”.

8.—(1) The Housing and Regeneration Act 2008(**19**) is amended as follows.

(2) In the provisions listed in sub-paragraph (3), for “Financial Services Authority” substitute “Financial Conduct Authority”

(3) The provisions are—

- (a) section 120(1)(b)(**20**) (notice);
- (b) section 153(1)(c) and (6)(d) (proposals: procedure);
- (c) section 157(5) (manager of industrial and provident society: extra powers);
- (d) section 163(2) (industrial and provident society: restructuring);
- (e) section 165(2) (industrial and provident society: dissolution); and
- (f) section 255(5) (amalgamation).

(4) In sections 164(3) (industrial and provident society: winding up) and 212(6) (industrial and provident society: change of rules), for “FSA” substitute “Financial Conduct Authority”.

9. In section 4(3)(a) of the Co-operative and Community Benefit Societies and Credit Unions Act 2010(**21**) (power to apply certain other provisions relating to companies), for “Authority” substitute “appropriate authority”.

10.—(1) The Housing (Scotland) Act 2010(**22**) is amended as follows.

(2) In section 18(2) (co-operation with other regulators) for paragraph (f) substitute—

- “(f) the Financial Conduct Authority,
- (fa) the Prudential Regulation Authority.”

(3) In the provisions in sub-paragraph (4), for “Financial Services Authority”, in each place, substitute “Financial Conduct Authority”.

(4) The provisions are—

- (a) section 30 (communication with other regulators);
- (b) section 80(2)(d) (proposals: formulation);

(16) Paragraphs 9(1) and 12(1) were amended by [S.I. 2001/3649](#). Paragraph 15H(5) was inserted by the Housing (Wales) Measure 2011 ([2011 nawm 5](#)), section 78.

(17) [2001 asp 10](#).

(18) [2005 asp 10](#).

(19) [2008 c.17](#).

(20) Section 120(1)(b) was amended by [S.I. 2010/844](#).

(21) [2010 c.7](#).

(22) [2010 asp 17](#).

- (c) section 82(3)(d) (proposals: agreement);
- (d) section 87(5) (manager of registered society: extra powers);
- (e) section 94(2) (registered society's rules: supplementary);
- (f) section 96(1)(b) (restructuring, winding up and dissolution of registered societies);
- (g) section 97(1) (restructuring of society);
- (h) section 98 (voluntary winding up of society); and
- (i) section 99 (dissolution of society).

11. In section 230(2)(b) of the Charities Act 2011(**23**) (Commission to consult appropriate registrar and others), for “Financial Services Authority” substitute “Financial Conduct Authority and, if the society is a PRA-authorised person within the meaning of section 2B of the Financial Services and Markets Act 2000, the Prudential Regulation Authority”.

Consequential amendments to secondary legislation

12.—(1) The Friendly Societies (Life Assurance Premium Relief) (Change of Rate) Regulations 1980(**24**) are amended as follows.

(2) In regulation 2, at the appropriate place, insert—

““relevant authority” means—

- (a) if the society is a PRA-authorised person within the meaning of section 2B of the Financial Services and Markets Act 2000, the Prudential Regulation Authority, and
- (b) in any other case, the Financial Conduct Authority;”.

(3) In regulations 3(3), 5 and 8, for “Chief Registrar of Friendly Societies” substitute “relevant authority”.

13.—(1) The Industrial Assurance (Life Assurance Premium Relief) (Change of Rate) Regulations 1980(**25**) are amended as follows.

(2) In regulation 2, at the appropriate place, insert—

““relevant authority” means—

- (a) if the industrial assurance company or collecting society is a PRA-authorised person within the meaning of section 2B of the Financial Services and Markets Act 2000, the Prudential Regulation Authority, and
- (b) in any other case, the Financial Conduct Authority;”.

(3) In regulations 3(3), 5 and 8(**26**), for “Friendly Societies Commission” substitute “relevant authority”.

14. In regulation 2 of the Community Interest Company Regulations 2005(**27**), in the definition of “the Authority”, for “Financial Services Authority” substitute “Financial Conduct Authority”.

15.—(1) In the provisions of the European Cooperative Society Regulations 2006(**28**) listed in sub-paragraph (2), for “Financial Services Authority” substitute “Financial Conduct Authority”.

(2) The provisions are—

(23) 2011 c.25.

(24) S.I. 1980/1947.

(25) S.I. 1980/1948.

(26) Regulations 3, 5 and 8 were amended by S.I. 1995/710.

(27) S.I. 2005/1788, as amended by S.I. 2009/1942. There are other amending instruments, but none is relevant.

(28) S.I. 2006/2078.

Status: This is the original version (as it was originally made).

- (a) regulation 3(1)(a),
- (b) regulation 8(1), and
- (c) regulation 13(1).

16.—(1) Schedule 1 to the Building Societies (Insolvency and Special Administration) Order 2009(**29**) is amended as follows.

- (2) In paragraph 3(d) and (i), for “FSA”, in each place, substitute “FCA”.
- (3) In paragraph 13(6), in the modification of—
 - (a) section 218 of the Insolvency Act 1986—
 - (i) in paragraph (d), for “FSA” substitute “FCA or the PRA”, and
 - (ii) in paragraph (e), for “FSA” substitute “FCA or, as the case may be, the PRA”; and
 - (b) section 219 of that Act, for “FSA” substitute “FCA or, as the case may be, the PRA”.
- (4) In paragraph 16(b) and (c), for “FSA” substitute “FCA”.
- (5) In paragraph 17, for “FSA”, in each place, substitute “FCA”.
- (6) In paragraph 21, for “FSA” substitute “PRA”.
- (7) In paragraph 30—
 - (a) in sub-paragraph (2), for “FSA” substitute “FCA and the PRA”, and
 - (b) in sub-paragraph (4), for “FSA” substitute “FCA”.
- (8) In paragraph 32A(**30**), for “FSA” substitute “FCA and the PRA”.

17. In regulation 3(3)(d) of the Mutual Societies (Transfers of Business) (Tax) Regulations 2009(**31**), for “Financial Services Authority” substitute “appropriate authority”.

18.—(1) The Building Societies (Financial Assistance) Order 2010(**32**) is amended as follows.

- (2) In article 2, omit the definitions of—
 - (a) “the Authority”, and
 - (b) “section 1(1)(a) function”.
- (3) In article 3—
 - (a) in paragraph (3), omit “on the Authority”, and
 - (b) for paragraph (5) substitute—

“(5) A building society to which paragraph (3) applies is to be disregarded for the purposes of section 1(1)(a) and (1A)(a) of the 1986 Act.”.
- (4) In article 4—
 - (a) in paragraph (3), omit “on the Authority”, and
 - (b) for paragraph (5) substitute—

“(5) A building society to which paragraph (3) applies is to be disregarded for the purposes of section 1(1)(a) and (1A)(a) of the 1986 Act.”.
- (5) In article 11—
 - (a) in paragraph (4)(a), for “Authority”, in each place, substitute “FCA or the PRA”,

(29) [S.I. 2009/805](#), as amended by [S.I. 2010/1189](#).

(30) Paragraph 32A was inserted by [S.I. 2010/1189](#).

(31) [S.I. 2009/2971](#).

(32) [S.I. 2010/1188](#).

- (b) in paragraph (6), in the paragraph 27C(a) substituted by that paragraph, for “Authority” substitute “Financial Conduct Authority”,
- (c) in paragraph (7), for “Authority”, in each place, substitute “FCA or, as the case may be, the PRA”, and
- (d) in paragraph (9), in the paragraph 49C(a) substituted by that paragraph, for “Authority” substitute “Financial Conduct Authority”.

19.—(1) The Building Society Special Administration (England and Wales) Rules 2010(**33**) are amended as follows.

(2) In rule 4(1)—

- (a) in sub-paragraphs (e) and (f), for “FSA”, in each place, substitute “FCA”, and
- (b) in sub-paragraph (h)—
 - (i) for paragraph (iii), substitute—

“(iii) “the FCA” (the Financial Conduct Authority—s 166(2)),”; and
 - (ii) after paragraph (vi), insert—

“(via) “the PRA” (the Prudential Regulation Authority—s 166(2)),”.

(3) In rule 15(d)—

- (a) for “FSA” substitute “FCA and, where relevant, the PRA”, and
- (b) for “Authority” substitute “FCA and PRA”.

(4) In rule 22(f)—

- (a) for “FSA” substitute “FCA and, where relevant, the PRA”, and
- (b) for “Authority” substitute “FCA and PRA”.