
Changes to legislation: There are currently no known outstanding effects for the Financial Services (Banking Reform) Act 2013, Cross Heading: Methods of communicating with members etc. (See end of Document for details)

SCHEDULES

SCHEDULE 9

BUILDING SOCIETIES

Methods of communicating with members etc

9 After section 115 insert—

“115A Deemed agreement to use of web site

(1) For the purposes of this Act, a person is to be taken to have agreed with a building society to access a document, information or facility on a web site if—

- (a) the person has been asked individually by the society to agree to access documents, information or facilities generally, or documents, information or facilities of the description in question, on a web site, and
- (b) the society has not received a response within the period of 28 days beginning with the date on which the society's request was received.

This is subject to subsections (2) to (4).

(2) A person is not to be taken to have so agreed if the society's request—

- (a) did not state clearly what the effect of a failure to respond would be, or
- (b) was sent less than 12 months after a previous request made to the person for the purposes of this section in respect of the same or a similar description of document, information or facility.

(3) A person who is taken to have made an agreement by virtue of subsection (1) may revoke the agreement.

(4) Subsection (1) does not apply in relation to the following documents—

- (a) a statement required to be sent to members by paragraph 1(1) of Schedule 16 (statements in connection with proposed mergers);
- (b) a merger statement (within the meaning of Part 2 of that Schedule) required to be sent to members by paragraph 3 of that Schedule;
- (c) a transfer statement or transfer summary (within the meaning of Part 1 of Schedule 17) required to be sent to members by paragraph 4(1) or (2) of that Schedule;
- (d) a transfer proposal notification (within the meaning of Part 1A of Schedule 17) required to be sent to members by paragraph 5B(1) of that Schedule.

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115B Right to hard copy version

- (1) Where a person has received a document or information from a building society otherwise than in hard copy form, the person is entitled to require the society to send the person a version of the document or information in hard copy form.
- (2) The society must send the document or information in hard copy form within 21 days of receipt of the request from the person.
- (3) The society may not make a charge for providing the document or information in that form.
- (4) Subsection (1) does not apply if the recipient of the document or information is the FCA or the PRA.
- (5) A building society that fails to comply with this section is to be treated as having contravened rules made under section 137A of the Financial Services and Markets Act 2000.
- (6) For the purposes of this section a person is treated as receiving a document or information from a building society if—
 - (a) the society is required by this Act to send the document or information to the person, and
 - (b) the requirement to send it is treated as satisfied.
- (7) For the purposes of this section—
 - (a) a document or information is sent or supplied in hard copy form if it is sent or supplied in a paper copy or similar form capable of being read, and
 - (b) a document or information can be read only if it can be read with the naked eye, or (to the extent that it consists of images) it can be seen with the naked eye.

115C Other agreed forms of communication

- (1) A document or information that is sent or supplied by a building society otherwise than in hard copy form or electronically or by means of a web site is validly sent or supplied if it is sent or supplied in a form or manner that has been agreed by the intended recipient.
- (2) For the purposes of this section “hard copy form” is to be read in accordance with section 115B(7).”

- 10 In the following provisions, omit “, in a manner agreed between him and the society,”—
 - section 60(7B)(c),
 - section 61(7D)(c),
 - section 68(6B)(c),
 - section 69(15B)(c),
 - section 76(8C)(c).
- 11 In section 81(3B)(c), omit “, in a manner agreed for the purpose between him and the society,”.

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- 12 (1) Schedule 2 is amended as follows.
- (2) In paragraph 20A(1B)(c), omit “, in a manner agreed between him and the society,”.
- (3) In paragraphs 22B(2)(c) and 33(5C)(c), omit “, in a manner agreed between him and the society for that purpose,”.
- (4) In paragraph 24(1B)(b), omit “in a manner agreed between the society and that member,”.
- (5) In paragraph 32(2D)(c), omit “, in a manner agreed between the society and the member,”.
- (6) In paragraph 33A(9)(c), omit “, in a manner agreed for the purpose between him and the society”.
- 13 In paragraphs 3(2B)(c) and 9(2B)(c) of Schedule 8A, omit “in a manner agreed between the society and that person,”.
- 14 (1) Schedule 11 is amended as follows.
- (2) In paragraph 4(9C)(c), omit “, in a manner agreed between him and the society,”.
- (3) In paragraph 7(7C)(c), for “in a manner agreed between the society and that person, he” substitute “ the person ”.
- (4) In paragraph 8(3B)(c), omit “, in a manner agreed between him and the society for the purpose,”.

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