

SCHEDULE 4

Article 2(c)

Amendments in consequence of Schedules 2 and 3

PART 1

Consequential amendments of primary legislation

The Credit Unions Act 1979

1. In section 32 of the Credit Unions Act 1979⁽¹⁾ (Northern Ireland), in subsection (1), in paragraphs (a) and (b) for “credit unions registered by the FCA” substitute “societies registered as credit unions under the 2014 Act”.

The Co-operative and Community Benefit Societies Act 2014

2.—(1) The Co-operative and Community Benefit Societies Act 2014⁽²⁾ is amended as follows.

(2) In section 142 (Northern Ireland societies whose rules are recorded by the FCA)—

(a) in the heading for “whose rules are recorded by the FCA” substitute “to be treated as registered societies”;

(b) in subsection (1) for paragraphs (a) and (b) substitute—

“(a) the society notifies the FCA that it wishes to be treated as a registered society, and

(b) the FCA places the notice on a file which it keeps in respect of the society.”; and

(c) in subsection (2)(b) for sub-paragraphs (ii) and (iii) substitute—

“(ii) the society’s rules, registered under the relevant Northern Ireland law, and

(iii) any amendment to the rules registered under that law.”.

(3) In section 149 (interpretation of Act), in the definition of “Gazette” for paragraph (c) substitute—

“(c) the Belfast Gazette, if a notice given by the society has been filed under section 102 (Great Britain societies carrying on business in Northern Ireland) of the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969;”.

PART 2

Consequential amendments of secondary legislation

The Statutory Rules (Northern Ireland) Order 1979

3. In Part 1 of Schedule 1 to the Statutory Rules (Northern Ireland) Order 1979⁽³⁾ (authorities who are rule-making authorities) omit the entry relating to the Registrar of Credit Unions for Northern Ireland.

(1) 1979 c. 34. Section 32 was amended by S.I. 2001/2617, 2002/1555 and 2013/496, and by the Co-operative and Community Benefit Societies Act 2014 (c.14), section 151(1) and Schedule 4, paragraphs 1 and 17.

(2) 2014 c. 14.

(3) S.I. 1979/1573 (N.I. 12). The entry omitted was substituted by the Friendly Societies Act 1992 (c.40), Schedule 21, paragraph 25.

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The Insolvency (Northern Ireland) Order 1989

4.—(1) The Insolvency (Northern Ireland) Order 1989(4) is amended as follows.

(2) In Article 104 (application for winding up of a company), in paragraph (4AA) for “Registrar of Credit Unions for Northern Ireland” substitute “Financial Conduct Authority”.

(3) In Article 104C (petition for winding up of a European Cooperative Society)—

(a) in paragraph (1)—

(i) in sub-paragraph (b) for “Registrar of Credit Unions for Northern Ireland” substitute “Financial Conduct Authority”;

(ii) for “Registrar may” substitute “Authority may”; and

(b) in paragraph (2)—

(i) in sub-paragraph (b) for “Registrar of Credit Unions for Northern Ireland” substitute “Financial Conduct Authority”;

(ii) for “Registrar may” substitute “Authority may”.

The Drug Trafficking Offences Act 1986 (Crown Servants and Regulators etc.) Regulations 1994

5. In regulation 4(1) of the Drug Trafficking Offences Act 1986 (Crown Servants and Regulators etc.) Regulations 1994(5) (designation of persons performing regulatory etc. functions) omit subparagraphs (m) and (n) (which designate the Registrar of Credit Unions for Northern Ireland and the Assistant Registrar of Credit Unions for Northern Ireland for the purposes of section 36B(2)(a) of the Drug Trafficking Offences Act 1986(6)).

The Terrorism Act 2000 (Crown Servants and Regulators) Regulations 2001

6. In regulation 4 of the Terrorism Act 2000 (Crown Servants and Regulators) Regulations 2001(7) (disapplication of section 19 of the Terrorism Act 2000(8) in relation to persons performing functions of a public nature) omit paragraphs (n) and (o) (which disapply section 19 in relation to the Registrar of Credit Unions for Northern Ireland and the Assistant Registrar of Credit Unions for Northern Ireland).

The Company Directors Disqualification (Northern Ireland) Order 2002

7. In Article 25B of the Company Directors Disqualification (Northern Ireland) Order 2002(9) (application of Order to credit unions), in paragraph (3)(d) for “registrar as defined in Article 2A of the 1985 Order” substitute “Financial Conduct Authority”.

(4) [S.I. 1989/2405 \(N.I. 19\)](#), as amended by [S.I. 2006/2078](#). There are other amendments, but they are not relevant.

(5) [S.I. 1994/1757](#).

(6) [1986 c. 32](#). Section 36B (exemptions for regulators from offence of failing to disclose knowledge or suspicion of money laundering) was inserted by the Criminal Justice Act 1993 ([c. 36](#)), Schedule 4, paragraph 1. It was repealed by the Drug Trafficking Act 1994 ([c. 37](#)), section 67 and Schedule 3 and re-enacted by section 61 of that Act. Section 61(2) to (4) were repealed by the Proceeds of Crime Act 2002 ([c.29](#)), Schedule 11, paragraph 25.

(7) [S.I. 2001/192](#), to which there are amendments not relevant to this Order.

(8) [2000 c. 11](#). Section 19 creates the offence of failing to disclose a belief or suspicion, where it arises in the course of a trade, business or employment, that a terrorist property offence has been committed. There are amendments, but none are relevant.

(9) [S.I. 2002/3150 \(N.I. 4\)](#). Article 25B was inserted by the Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016, section 7, which commenced on 23 April 2016.

The Community Benefit Societies (Restriction on Use of Assets) Regulations (Northern Ireland) 2006

8.—(1) The Community Benefit Societies (Restriction on Use of Assets) Regulations (Northern Ireland) 2006⁽¹⁰⁾ are amended as follows.

(2) In regulation 2(2) (interpretation) for the definition of “Registrar” substitute—

““the Registrar” means the Financial Conduct Authority;”.

(3) In the following provisions for “he” substitute “the Registrar”—

- (a) in regulation 9 (enforcement notification), paragraph (1);
- (b) in regulation 10 (restitution), paragraph (3);
- (c) in regulation 11 (removal of officers), paragraph (2);
- (d) in regulation 12 (warning notice), paragraph (1); and
- (e) in regulation 13 (decision notice), paragraph (1).

(4) In regulations 10(3) and 11(2) for “him” substitute “it”.

(5) In Schedule 2 (application of the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969 with modifications), in paragraph 2(a), which modifies section 15(1)(c) of the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969, in the subparagraph which is treated as inserted in that section for “on proof to the his” substitute “it is proved to the Registrar’s”.

The European Cooperative Society Regulations 2006

9.—(1) The European Cooperative Society Regulations 2006⁽¹¹⁾ are amended as follows.

(2) In regulation 3 (competent authorities)—

(a) for paragraph (1) substitute—

“(1) The Financial Conduct Authority is designated pursuant to Article 78(2) as the competent authority for the purposes of Articles 7, 21, 29, 30, 54 and 73 in relation to an SCE or cooperative which has (or in the case of an SCE proposes to have) its registered office in the United Kingdom.”; and

(b) in paragraph (2) for the words from “body” to the end substitute “Financial Conduct Authority”.

(3) In regulation 8 (register of SCEs)—

- (a) in paragraph (1) for “Great Britain” substitute “the United Kingdom”;
- (b) omit paragraph (2); and
- (c) in paragraph (3) for the words from “registers” to “are” substitute “register established under paragraph (1) is”.

(4) In regulation 13 (branches)—

(a) in paragraph (1)—

- (i) after “Financial Conduct Authority” insert (“the registrar”); and
- (ii) for “Great Britain” substitute “the United Kingdom”;

(b) omit paragraph (2); and

(c) in paragraph (3)—

⁽¹⁰⁾ S.I. 2006/258.

⁽¹¹⁾ S.I. 2006/2078, as amended by 2013/496. There is one other amendment, but it is not relevant.

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- (i) after “send” insert “to the registrar”; and
- (ii) omit the comma at the end of sub-paragraph (c) and the words from “to the person” to the end.

The Overseas Companies Regulations 2009

10. In Schedule 1 to the Overseas Companies Regulations 2009(**12**) (public authorities to which the registrar is permitted to disclose information) omit the entry for the Registrar of Credit Unions for Northern Ireland.

The Companies (Disclosure of Date of Birth Information) Regulations 2015

11. In Schedule 1 to the Companies (Disclosure of Date of Birth Information) Regulations 2015(**13**) (public authorities to which the registrar is permitted to disclose information) omit the entry for the Registrar of Credit Unions for Northern Ireland.

Revocations

12. The following regulations are revoked-

- (a) the Industrial and Provident Societies Regulations (Northern Ireland) 1969(**14**);
- (b) the Industrial and Provident Societies (Payment for Copies of Rules) Regulations (Northern Ireland) 1974(**15**);
- (c) the Credit Unions (Forms and Procedures) Regulations (Northern Ireland) 1986(**16**);
- (d) the Credit Unions (Fees) Regulations (Northern Ireland) 1994(**17**); and
- (e) the Industrial and Provident Societies (Fees) (Amendment) Regulations (Northern Ireland) 1994(**18**).

(12) [S.I 2009/1801](#). “The registrar” means the registrar of companies for England and Wales, Scotland or Northern Ireland, as the case may require (see section 1060 of the Companies Act 2006 (c. 46)). There are amendments but none are relevant.

(13) [S.I 2015/1694](#). “The registrar” means the registrar of companies for England and Wales, Scotland or Northern Ireland, as the case may require (see section 1060 of the Companies Act 2006 (c. 46)). There are amendments but none are relevant.

(14) [S.R \(NI\) 1969 No. 353](#), as amended by [S.R \(NI\) 1974 No. 437](#).

(15) [S.R \(NI\) 1974 No. 317](#)

(16) [S.R \(NI\) 1986 No. 137](#)

(17) [S.R \(NI\) 1994 No. 436](#)

(18) [S.R \(NI\) 1994 No. 437](#)