

Appendix 1

Unauthorised Mutuals Registration Fees Rules

1.1 Introduction

Application

App 1.1.1 **R** These rules apply to every:

- (1) ■ registered society;
- (2) ■ sponsoring body;
- (3) *person* who submits a proposal for the registration of a ■ registered society.

App 1.1.2 **G**

- (1) The purpose of these rules is to set out the requirements for registered societies and sponsoring bodies to pay application fees.
- (2) This set of rules is in respect of the registration functions relating to registered societies transferred to the *FCA* by section 50 of the Financial Services Act 2012, other than friendly societies authorised under section 31 of the *Act*.

Background

App 1.1.3 **G** [deleted]

App 1.1.4 **G** ■ FEES App 1 Annex 2 to these rules contains further information on the fees applicable to ■ registered societies under these rules.

App 1.1.5 **G** [deleted]

App 1.1.6 **G** The application fee payable to register a new society is a tiered fee: the amount payable for registration of a new society is dependent on whether the rules are

based on a free draft or on ■ model rules. Further, where ■ model rules are used in the case of the registration of a new society other than a credit union, then the number of amendments made to the ■ model rules will affect the fee. The application fee payable by a ■ sponsoring body for a new set of ■ model rules is a flat fee.

App 1.1.7 **G** In these rules:

- (1) an “R” in the margin or heading indicates that the provision is a rule, which creates binding obligations;
- (2) a “G” in the margin or heading indicates that the provision is guidance, which is designed to throw light on a particular aspect of these rules, but which is not binding nor an exhaustive description of a *person's* obligations.

Glossary of definitions

App 1.1.8 **R** In these rules, an expression in italics has the meaning given in ■ Annex 4R.

1.2 Periodic Fees

App 1.2.1 **R** [deleted]

App 1.2.2 **R** [deleted]

App 1.2.3 **R** [deleted]

App 1.2.4 **R** [deleted]

App 1.2.5 **R** [deleted]

App 1.2.5A **R** [deleted]

App 1.2.5B **R** [deleted]

App 1.2.6 **R** [deleted]

App 1.2.7 **R** [deleted]

App 1.2.8 **R** [deleted]

App 1.2.9 **R** [deleted]

App 1.2.10 **G** [deleted]

App 1.2.11 **G** [deleted]

Amending model rules

App 1.2.12 **G** If a **■** sponsoring body wishes to change a set of **■** model rules, it should supply a copy to the *FCA* indicating the proposed changes. No application fee is payable for such changes.

App 1.2.13 **G** [deleted]

1.3 Application Fees

General

App 1.3.1 **R** A *person* who submits to the *FCA* a proposal for the registration of a society must pay to the *FCA*, in full and without deduction, the fee specified for the type of application under **■** Annex 1A.

App 1.3.2 **R** A **■** sponsoring body wishing a set of rules to become **■** model rules for the first time must pay to the *FCA*, in full and without deduction, the application fee specified in **■** FEES App 1 Annex 1A.

Method of payment

App 1.3.3 **R** Application fees must be paid by a method specified in **■ FEES 2.1.12R** unless **■ FEES 2.1.13R** applies.

Due dates

App 1.3.4 **R** A *person* making an application or submitting a proposal for the registration of a society must pay the application fee on, or before, making the application.

App 1.3.5 **R** A **■ sponsoring body** must pay the application fee for a new set of **■ model rules** on or before making the application.

App 1.3.6 **G** The *FCA* may require the fee to be paid by the *person* making the application before the *FCA* undertakes any preliminary consideration of the proposed application or rules.

Refunds

App 1.3.7 **G** The *FCA* will not refund application fees under any circumstances.

App 1.3.8 **G** Paragraph 1.3.7G applies also in the case of applications that are not proceeded with where a fee has been paid in advance.

1 Annex 1 **Periodic fees payable for the period 1 April 2018 to 31 March 2019 [deleted]**

[deleted]

R

1 Annex 1A **Application Fees payable**

R **Part 1 Application fees payable to register a new society other than a credit union**

Transaction	Amount payable (£)
Application using <i>model rules</i> without any amendment to the model	40
Application using <i>model rules</i> with between 1 and 6 amendments to the model	120

Application using model rules with between 7 and 10 amendments to the model	350
Application using model rules with 11 or more amendments to the model, or using free draft rules	950

Part 2 Application fees payable by sponsoring bodies

This fee is not payable by sponsoring bodies in respect of the model rules of credit unions.

Transaction	Amount payable (£)
Application for a new set of model rules	950

Part 3 [deleted]

1 Annex 2 Further information on fees

G	Purpose
1	The purpose of this annex is to set out further information on fees applicable to registered societies.
2	[deleted]
3	[deleted]
4	[deleted]
(5)	[deleted]
	Recovery of fees
(6)	Paragraph 23(8) of Schedule 1ZA to the Act permits the FCA to recover fees as a debt owed to the FCA and the FCA will consider court action for recovery through the civil courts.

1 Annex 3 Emergencies [deleted]

[deleted]

1 Annex 4 Glossary of definitions

R In these rules, an expression in italics has the meaning given below:

Expression	Definition
<i>Act</i>	The Financial Services and Markets Act 2000.
<i>amendment to model rules</i>	(In Annex 1R) any number of changes to a single numbered rule and its sub-clauses (however described) represents a single amendment to model rules; the provision of information in respect of a name, an address, or a number, or any text which is added to a <i>model rule</i> in a space specifically provided in the <i>model rule</i> for the addition of such text, will not be regarded as an amendment to model rules.
<i>annual return</i>	The annual return required to be submitted to the <i>FCA</i> under s.43 of the Friendly Societies Act 1974 or s.39 of the Industrial and Provident Societies Act 1965.
<i>business day</i>	In rule 1.2.8R, any day which is not a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday in that part of the United Kingdom in which the <i>registered society</i> has its registered office.
<i>day</i>	A period of 24 hours beginning at midnight.
<i>FCA</i>	The Financial Conduct Authority.
<i>model rules</i>	A set of rules: <ul style="list-style-type: none"> (a) which a <i>sponsoring body</i> has provided to the <i>FCA</i>; (b) in relation to which the <i>sponsoring body</i> has paid all relevant fees due under these rules; and (c) which complies with the provisions of the Industrial and Provident Societies Acts 1965 and 1967, the Friendly and Industrial and Provident Societies Act 1968 and the Friendly Societies Acts 1974 and 1992, as appropriate; or

	(d)	the Credit Unions Act 1979;
person		(a list of <i>model rules</i> which satisfy (a) and (b) and, in the <i>FCA's</i> view, satisfy (c), is available from the Mutual Societies Registration department at the <i>FCA</i>). (In accordance with the Interpretation Act 1978) any person, natural or legal, including a body of persons corporate or unincorporated.
registered society		A society registered under the Industrial & Provident Societies Acts, the Credit Unions Act 1979, the Superannuation and Other Trust Funds (Validation) Act 1927, or the Friendly Societies Act 1974; which is not authorised for the purposes of section 31 of the <i>Act</i> .
sponsoring body		A body which publishes, or which proposes to publish, <i>model rules</i> for registered societies.
total assets		The figure shown in the <i>annual return</i> against the heading 'Total Assets' or, where there is no such heading, the value of the gross assets shown in the balance sheet of the firm.

1 Annex 5 Personal inspection

App 1 Annex 5	R	1	R	Any <i>person</i> may attend the <i>FCA</i> offices to inspect any document or documents from the Mutuals Register, upon appointment and payment of the relevant fee.
		2	R	The relevant fee for personal inspection is the hourly rate for an Associate, as set down in FEES 3 Annex 9(11)R. The full hourly rate is payable for each hour or part-hour of the visit.

