

CO-OPERATION (AMENDMENT) ACT, 1981, No. 5

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 5, 1981.

An Act to amend the Co-operation Act, 1923, and to enact special provisions with respect to the amalgamation of terminating building societies, and for other purposes. [Assented to, 6th April, 1981.]

See also Government Guarantees (Co-operation) Amendment Act, 1981; Housing Indemnities (Co-operation) Amendment Act, 1981; Permanent Building Societies (Co-operation) Amendment Act, 1981; Landlord and Tenant (Rental Bonds) Amendment Act, 1981.

Co-operation (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the "Co-operation (Amendment) Act, 1981".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsections (1) and (3), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Section 5, in its application to Schedule 1 (20) (c), and Schedule 1 (20) (c) shall commence on such day (being a day after the day appointed and notified under subsection (2)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The Co-operation Act, 1923, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMALGAMATION OF EXISTING TERMINATING BUILDING SOCIETIES.

SCHEDULE 3.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Co-operation (Amendment).

Amendment of Act No. 1, 1924.

5. The Principal Act is amended in the manner set forth in Schedule 1.

Amendment of Act No. 5, 1938.

Pt. II. (Loans.)

6. The Co-operation (Amendment) Act, 1938, is amended by omitting Part II.

Amalgamation of existing terminating building societies.

7. Schedule 2 has effect.

Savings, transitional and other provisions.

8. Schedule 3 has effect.

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT.

- (1) Sections 5, 16 (1A), (1C), 16A (2) (a), (4), (5), 17AB (1), (3) (e), (3) (h), (9), 18 (3) (a), (7), 18B (1) (a) (i), (4) (a), (4) (c), 18C (2) (a) (i), (3), (4), 18D, 18E (1), (3), 47 (5D), (14A), 48 (1A) (a), 66 (5A), (9A), 66BA, 69D (1), 84AC (1), (2), (3), 88AA (5), 88B (2), (4), 95B (1), 114A (1) (a), 115A, 118B (4)—

Omit "Co-operative Building Advisory Committee" wherever occurring, insert instead "Co-operative Housing Societies Advisory Committee".

Co-operation (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) Section 16 (2)—

Omit the subsection, insert instead :—

(2) A building society may be a co-operative housing society, a Starr-Bowkett society or a non-terminating building society, that is to say—

(a) a building society shall be a co-operative housing society if, by its rules—

- (i) it is authorised to raise money on loan;
- (ii) it is not authorised to receive money on deposit; and

(iii) it is not authorised to raise money by the subscription of its members except money raised by the nominal subscription required by its rules for a person to become a member;

(b) a building society shall be a Starr-Bowkett society if, by its rules—

- (i) it is authorised to raise money by the subscription of its members; and
 - (ii) it is authorised to determine by ballot the precedence among applicants for loans;
- or

(c) a building society shall be a non-terminating building society if it is not a co-operative housing society or a Starr-Bowkett society.

(3) Section 17 (4)—

At the end of section 17, insert:—

(4) Without affecting the generality of subsection (1), a co-operative housing society may raise money on loan for the purposes of meeting the expenses of and incidental to—

- (a) the raising of any loan by the society;

Co-operation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) the making of any loan by the society to any of its members and the exercise by the society of any of its rights, powers and remedies under any security taken in respect of any such loan; or
 - (c) the formation, establishment and working of the society.

- (4) Sections 17A, 17AA—
Omit the sections.

- (5) Section 17AB (3) (c)—
Omit the paragraph, insert instead :—
 - (c) that the amount so lent does not exceed the maximum amount directed by the Minister by order published in the Gazette in respect of the borrower;

- (6) Section 18 (7)—
Omit “building society, other than a non-terminating building society or a Starr-Bowkett society,”, insert instead “co-operative housing society”.

- (7) Section 43 (6)—
At the end of section 43, insert :—
 - (6) The registrar may, following the issue of the certificate of incorporation of an amalgamated society, remove from the register the name of any society which has so amalgamated.

Co-operation (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(8) (a) Section 47 (1), proviso—

Omit the proviso.

(b) Section 47 (2) (b)—

Omit “terminating building society”, insert instead “co-operative housing society or a Starr-Bowkett society”.

(9) Section 47c—

After section 47B, insert :—

Credit foncier and not actuarial system to be adopted by co-operative housing societies.

47c. A co-operative housing society shall not make loans to a member on condition that the member subscribes for shares of a number and value depending on the amount of the loan, but the society may make loans to a member on condition that the member make periodic repayments of principal and interest calculated on the outstanding loan balance or in such other manner as may be prescribed.

(10) Section 65 (1A), (1B)—

After section 65 (1), insert :—

(1A) A co-operative housing society which raises money on loan by means of any 1 or more of the following kinds of loans shall not raise money by means of any other kind of loan :—

- (a) Loans made by lenders pursuant to three-party loan and guarantee agreements referred to in section 4A of the Government Guarantees Act 1934.

Co-operation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) Loans made by the Rental Bond Board pursuant to the Landlord and Tenant (Rental Bonds) Act, 1977.
- (c) Loans made by the Rural Bank of New South Wales, or by any other person, on behalf of the Treasurer from the Home Purchase Assistance Account or any other public account of the State.
- (d) Loans made by a prescribed lender.

(1B) Where a co-operative housing society raises money on loan by means of a loan of a kind referred to in subsection (1A) (a)-(d), the society shall not—

- (a) create any mortgage, charge or lien or issue any debenture or bond other than—
 - (i) in the case of a loan of a kind referred to in subsection (1A) (a)—a charge in favour of the Treasurer over the securities given to the society by its members in respect of loans made or to be made from money raised by the loan of that kind; or
 - (ii) in the case of a loan of a kind referred to in subsection (1A) (b), (c) or (d)—a charge in favour of the lender over the securities given to the society by its members in respect of loans made or to be made from money raised by the loan of that kind; or
- (b) enter into any agreement which provides for the appointment of a receiver or manager of the property of the society.

Co-operation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(11) Section 66 (6)—

Omit “terminating building society”, insert instead “Starr-Bowkett society”.

(12) Section 66BB (1), (2)—

Omit “terminating building society or credit union” wherever occurring, insert instead “co-operative housing society, Starr-Bowkett society or credit union”.

(13) Section 69c (3) (b)—

Omit “, (3) (d) and (3) (h)”, insert instead “and (3) (d)”.

(14) (a) Section 72 (1B)—

Before section 72 (2), insert :—

(1B) The name of a co-operative housing society shall include the phrase “co-operative housing society” or “co-op. housing society”.

(b) Section 72 (2)—

After “name” where secondly occurring, insert “, except that in the case of a co-operative housing society no such words or abbreviations shall be used”.

(15) Section 76 (2c)—

After section 76 (2B), insert :—

(2C) A co-operative housing society shall, within 14 days after receiving a report by the auditors pursuant to section 89A (3) on the security documents held by the society, transmit to the registrar a copy of that report.

Co-operation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(16) (a) Section 82 (3) (a)—

Omit the paragraph, insert instead :—

- (a) whether the society is a co-operative housing society, a Starr-Bowkett society or a non-terminating building society;

(b) Section 82 (3) (b)—

Omit the paragraph.

(17) Section 84 (12B)—

Omit “terminating building society”, insert instead “co-operative housing society or a Starr-Bowkett society”.

(18) Section 84A (1) (b)—

Omit “section 17A”, insert instead “section 17AB”.

(19) Section 86 (4)—

Omit “terminating building society or of a”, insert instead “co-operative housing society, Starr-Bowkett society or”.

(20) (a) Section 88 (2A)—

Omit “The total amount payable by way of fees to such directors in any year shall not exceed the amount fixed by the Advisory Council.”.

Co-operation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 88 (2B)—

After section 88 (2A), insert :—

(2B) The total amount payable by way of fees in any year to the directors of a society shall not exceed the maximum amount fixed—

- (a) in the case of a co-operative housing society—by the registrar; or
- (b) in any other case—by the Advisory Council.

(c) Section 88 (3)—

Omit the subsection, insert instead :—

(3) A society shall effect, and maintain, a policy of insurance for the indemnity of the society against any pecuniary loss to the society resulting from any act of fraud or dishonesty committed—

- (a) by any officer of, or other person employed by, the society in connection with his duties; or
- (b) where a person contracts to provide a secretarial or administrative service to the society—by that person or any of his employees in connection with the provision of any such service.

(21) Section 88B (1) (b)—

Omit “section 17A”. insert instead “section 17AB”.

Co-operation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(22) Section 89A—

After section 89, insert :—

Audit of certain security documents.

89A. (1) In this section, “security documents” means documents held by a co-operative housing society as securities for loans made by the society to its members, but does not include any such documents which are required to be lodged with a lender to the society pursuant to an agreement between the society and the lender.

(2) Security documents held by a co-operative housing society shall be audited at intervals not exceeding 6 months by the auditors of the society.

(3) The auditors of a co-operative housing society shall make a report to the society on each audit carried out pursuant to subsection (2), and the report shall state whether the documents referred to in that subsection have been held in accordance with the requirements of this Act, the rules of the society and any agreement entered into by the society.

(23) (a) Section 92 (3) (1)—

Omit “wound up.”, insert instead “wound up; or”.

(b) Section 92 (3) (m)—

After section 92 (3) (1), insert :—

(m) where the society is a co-operative housing society that has entered into an agreement for a loan of a kind referred to in section 65 (1A) (a)–(d), that the society has, after notice from the registrar, failed to observe a covenant, stipulation or condition of the agreement.

Co-operation (Amendment).

SCHEDULE 1—*continued.*
AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (c) Section 92 (4)—
Omit “and (1)”, insert instead “, (1) and (m)”.
- (d) Section 92 (6) (b) (vi)—
Omit “terminating building society as defined in section 16 (2) (a)”, insert instead “co-operative housing society or a Starr-Bowkett society as defined in section 16 (2)”.
- (24) Section 95A (2) (b)—
Omit “, (3) (d) and (3) (h)”, insert instead “and (3) (d)”.

SCHEDULE 2.

(Sec. 7.)

AMALGAMATION OF EXISTING TERMINATING BUILDING SOCIETIES.
Construction and interpretation.

1. (1) This Schedule shall be construed with the Principal Act and shall have effect as if it were part of that Act.
- (2) In this Schedule, “appointed day” means the day appointed and notified under section 2 (2).

Application of Schedule.

2. (1) This Schedule applies to each group of those building societies—
 - (a) which, on the appointed day, are co-operative housing societies within the meaning of section 16 (2) of the Principal Act;
 - (b) which have a common board of directors and a common registered office; and
 - (c) which have raised money on loan—
 - (i) from the same lender, but not by means of a loan of a kind referred to in subparagraph (ii); or

Co-operation (Amendment).

SCHEDULE 2—continued.

AMALGAMATION OF EXISTING TERMINATING BUILDING SOCIETIES—continued.

- (ii) by means only of any 1 or more of the following kinds of loans:—
- (A) Loans made by any lender the repayment of which is guaranteed pursuant to the Government Guarantees Act, 1934.
 - (B) Loans made by the Rental Bond Board pursuant to the Landlord and Tenant (Rental Bonds) Act, 1977.
 - (C) Loans made by the Rural Bank of New South Wales on behalf of the Treasurer from the Home Purchase Assistance Account or any other public account of the State.

(2) For the purposes of subclause (1), a group of co-operative housing societies which does not have a common board of directors and a common registered office shall be deemed to have a common board of directors and a common registered office if those societies have notified the registrar that they have agreed to be amalgamated under this Schedule.

(3) For the purposes of subclause (1), a co-operative housing society shall be deemed to be a member of a group of building societies to which this Schedule applies if—

- (a) the society was registered after the appointed day but before the amalgamation of that group under this Schedule; and
- (b) the society is qualified as a member of that group pursuant to subclause (1) (b) and (c).

(4) For the purposes of subclause (1), a group of co-operative housing societies shall be deemed to have a common board of directors and a common registered office if—

- (a) that group of societies previously had a common board of directors and a common registered office; and
- (b) the registrar determines, upon the recommendation of the Co-operative Housing Societies Advisory Committee, that changes were made to those boards of directors or registered offices in order to avoid the amalgamation of that group of societies under **this Schedule.**

Co-operation (Amendment).

SCHEDULE 2—*continued.*AMALGAMATION OF EXISTING TERMINATING BUILDING
SOCIETIES—*continued.***Amalgamation of groups of societies by registrar.**

3. (1) Subject to this Schedule, the registrar shall, unless the Minister directs him not to do so, register as an amalgamated society each group of building societies to which this Schedule applies on such day or days as the registrar considers appropriate.

(2) The registrar may exclude from a group of building societies amalgamated under this Schedule any society which he is satisfied will terminate within 1 year of the amalgamation.

Registration of rules of amalgamated society and issue of certificate of incorporation.

4. (1) On the day that the registrar registers an amalgamated society under clause 3, he shall—

- (a) register as the rules of the amalgamated society rules that are in or to the effect of the standard rules published in the Gazette by the registrar for the purposes of this Schedule;
- (b) issue a certificate that the society is incorporated as an amalgamated society under the Principal Act; and
- (c) remove from the register the name of any society that is a party to the amalgamation.

(2) As soon as practicable after the registrar has issued a certificate under subclause (1) (b), he shall notify the issue of that certificate in the Gazette as prescribed by the regulations made under the Principal Act.

(3) The registrar may publish different standard rules pursuant to subclause (1) (a) in respect of different classes of amalgamated societies.

Societies to determine name, etc., of amalgamated society.

5. (1) Subject to subclause (2)—

- (a) the name by which an amalgamated society is registered under clause 3;
- (b) the registered office of the amalgamated society;
- (c) the number of directors of the board of the amalgamated society; and
- (d) the financial year of the amalgamated society,

shall be as notified to the registrar by the societies that are parties to the amalgamation.

Co-operation (Amendment).

SCHEDULE 2—*continued.*

AMALGAMATION OF EXISTING TERMINATING BUILDING
SOCIETIES—*continued.*

- (2) The registrar may determine—
- (a) the particulars referred to in subclause (1) if the societies that are parties to the amalgamation fail to notify to the registrar those particulars within such time as the registrar may direct; or
 - (b) the name by which an amalgamated society is registered if the name notified by the societies that are parties to the amalgamation is not a name by which a society may be registered under the Principal Act.

Directors of amalgamated society.

6. (1) The first directors of the board of an amalgamated society registered under clause 3 shall be—

- (a) except as provided in paragraph (b)—such directors as the societies that are parties to the amalgamation notify to the registrar; or
- (b) where the societies that are parties to the amalgamation fail to notify the first directors to the registrar within such time as the registrar may direct—such directors as the registrar may appoint.

(2) Notwithstanding anything to the contrary in the Principal Act, one of the first directors of the board of an amalgamated society may be an employee of the society if he was a director of a society that is a party to the amalgamation.

Transfer of property, etc., upon amalgamation.

7. (1) On and from the day on which an amalgamated society is registered under clause 3—

- (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the societies that are parties to the amalgamation shall vest in or belong to that amalgamated society;
- (b) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable to, or recoverable by, a society that is a party to the amalgamation shall be debts due and money payable to and claims recoverable by that amalgamated society;

Co-operation (Amendment).

SCHEDULE 2—continued.**AMALGAMATION OF EXISTING TERMINATING BUILDING SOCIETIES—continued.**

- (c) all suits, actions and proceedings pending immediately before that day at the suit of a society that is a party to the amalgamation shall be respectively suits, actions and proceedings pending at the suit of that amalgamated society and all suits, actions and proceedings so pending at the suit of any person against a society that is a party to the amalgamation shall be respectively suits, actions and proceedings pending at the suit of that person against that amalgamated society;
- (d) all contracts, agreements, arrangements and undertakings entered into with and all securities lawfully given to or by a society that is a party to the amalgamation and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by that amalgamated society;
- (e) that amalgamated society may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this subclause and for the prosecution of suits, actions and proceedings so referred to as a society that is a party to the amalgamation might have done but for the amalgamation;
- (f) that amalgamated society may enforce and realise any security or charge existing immediately before that day in favour of a society that is a party to the amalgamation and may exercise any powers thereby conferred on a society that is a party to the amalgamation as if the security or charge were a security or charge in favour of that amalgamated society;
- (g) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, a society that is a party to the amalgamation, shall be debts due and money payable by, and claims recoverable against, that amalgamated society;
- (h) all liquidated and unliquidated claims for which a society that is a party to the amalgamation would, but for the amalgamation, have been liable shall be liquidated and unliquidated claims for which that amalgamated society shall be liable; and
- (i) that amalgamated society may, in relation to any land of which a society that is a party to the amalgamation was, immediately before that day, the registered proprietor within the meaning of

Co-operation (Amendment).

SCHEDULE 2—*continued.*

AMALGAMATION OF EXISTING TERMINATING BUILDING
SOCIETIES—*continued.*

the Real Property Act, 1900, execute any dealing within the meaning of that Act as if that amalgamated society were that registered proprietor.

(2) The transfer of any property in pursuance of this clause has effect without any conveyance, transfer, assignment or assurance.

(3) A document or an instrument executed or registered for a purpose ancillary to or consequential on the transfer of any property in pursuance of this clause shall not be liable to stamp duty or to any fee or charge payable under any Act for registration.

(4) On and from the day on which an amalgamated society is registered under clause 3, a reference in any instrument to a society that is a party to the amalgamation shall be construed as a reference to that amalgamated society.

Variation of certain agreements.

8. (1) Upon the day an amalgamated society is registered under clause 3—

(a) any mortgage, charge or lien created by a society that is a party to the amalgamation as security for a loan of a kind referred to in clause 2 (1) (c) (ii) shall be construed as a charge—

(i) in the case of a loan of a kind referred to in clause 2 (1) (c) (ii) (A)—in favour of the Treasurer;

(ii) in the case of a loan of a kind referred to in clause 2 (1) (c) (ii) (B)—in favour of the Rental Bond Board; or

(iii) in the case of a loan of a kind referred to in clause 2 (1) (c) (ii) (C)—in favour of the Rural Bank of New South Wales,

over the securities given to the society by its members in respect of loans made from money raised from the loan of that kind; and

(b) any provision in an agreement with respect to the appointment of a receiver or manager of the property of the society referred to in paragraph (a) shall be void.

Co-operation (Amendment).

SCHEDULE 2—*continued.*AMALGAMATION OF EXISTING TERMINATING BUILDING
SOCIETIES—*continued.*

(2) Upon the day an amalgamated society is registered under clause 3, a provision of any agreement entered into by a society that is a party to the amalgamation, or of any agreement entered into by the Treasurer, with respect to any loan made to that society which is inconsistent with the Principal Act, this Schedule, the regulations made under the Principal Act or the rules of the amalgamated society shall, to the extent of that inconsistency, be void.

(3) Where the repayment of any loan made by a lender to a society that is a party to an amalgamation under this Schedule is, immediately before the day that the amalgamated society is registered, guaranteed pursuant to the Government Guarantees Act, 1934—

- (a) the lender, the amalgamated society and the Treasurer shall, upon that day, be deemed to have entered into an agreement in respect of each such loan in the form published in the Gazette by the registrar, with the approval of the Treasurer, for the purposes of this subclause; and
- (b) any agreement entered into, before that day, by the lender, the firstmentioned society or the Treasurer with respect to any such loan which is inconsistent with the agreement referred in paragraph (a) shall, to the extent of that inconsistency and upon that day, be void.

(4) Without affecting the generality of clause 13, the Governor may make such regulations relating to any agreement varied pursuant to this clause (including further variations of any such agreement) as the Governor considers necessary to facilitate the amalgamation of any group of building societies under this Schedule.

(5) The reference in section 92 (3) (m) of the Principal Act, as amended by this Act, to an agreement for a loan of a kind referred to in section 65 (1A) (a)–(d) of that Act shall be deemed to include a reference to an agreement which is varied pursuant to this clause.

(6) This clause has effect notwithstanding anything to the contrary in clause 7.

First annual general meeting of amalgamated society.

9. (1) Within 3 months after the registration of an amalgamated society under clause 3, or within such further time as the registrar may in any particular case allow, the amalgamated society shall hold the first annual general meeting of its members.

Co-operation (Amendment).

SCHEDULE 2—*continued.*AMALGAMATION OF EXISTING TERMINATING BUILDING
SOCIETIES—*continued.*

(2) A reference in any provision of the Principal Act, the regulations thereunder or the rules of an amalgamated society to a balance-sheet, income and expenditure account or auditors' report in relation to an annual general meeting of the amalgamated society shall, in relation to the annual general meeting referred to in subclause (1), be construed as a reference to the balance-sheet, income and expenditure account or auditors' report of each society that is a party to the amalgamation as at the last day preceding the amalgamation and to the balance-sheet of the amalgamated society as at the day the amalgamated society is registered.

Apportionment of reserves.

10. (1) Any surplus or deficit in the accounts of a society that is a party to an amalgamation under this Schedule shall be apportioned, as at the last day preceding the amalgamation, to each borrower from the society who is then a member of the society in the proportion that the principal amount borrowed by the member bears to the sum of the principal amounts borrowed by all the borrowers from the society who are then members of the society.

(2) Any amount apportioned under subclause (1) shall be credited or debited to the borrower's loan account.

(3) A calculation of a surplus or deficit for the purposes of subclause (1) shall not include reserves retained by a society to meet future management expenses unless the society resolves to include those reserves and notifies the registrar that it has resolved to do so.

Conversion from actuarial to credit foncier system.

11. (1) Where, immediately before the day an amalgamated society is registered under clause 3, a member of a society that is a party to the amalgamation holds more than 1 share or a share valued in excess of \$1, the amalgamated society shall, as at that day—

- (a) apply, from the amount fully paid up on the shares held by the member, \$1 as payment in full for 1 share in the amalgamated society and the balance in reduction of the loan liability of the member; and
- (b) allot 1 fully paid up share to the member and cancel the existing shares held by the member.

Co-operation (Amendment).

 SCHEDULE 2—*continued.*

 AMALGAMATION OF EXISTING TERMINATING BUILDING
 SOCIETIES—*continued.*

(2) In subclause (1), “amount fully paid up”, in relation to shares held by a member, means—

- (a) the amount of subscriptions paid up on those shares; and
- (b) any amount representing provision for interest on those shares.

Contravention of clauses 9, 10 and 11.

12. A reference in the Principal Act to the contravention of the provisions of that Act (however expressed) shall be construed as including a reference to the contravention of the provisions of clause 9, 10 or 11 or any regulations made under this Schedule.

Regulations.

13. The Governor may make regulations for or with respect to any matter that by this Schedule is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Schedule.

 SCHEDULE 3.

(Sec. 8.)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Interpretation.

1. In this Schedule, “appointed day” means the day appointed and notified under section 2 (2).

Non-terminating and Starr-Bowkett societies.

2. (1) A registered building society which, on the appointed day, is a non-terminating building society within the meaning of section 16 (2) of the Principal Act shall, on and after the appointed day, be deemed to have been registered as such a non-terminating building society.

(2) A registered building society which, on the appointed day, is a Starr-Bowkett society within the meaning of section 16 (2) of the Principal Act shall, on and after the appointed day, be deemed to have been registered as such a Starr-Bowkett society.

Co-operation (Amendment).

SCHEDULE 3—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

Terminating building societies.

3. A registered building society which, on the appointed day, is a co-operative housing society within the meaning of section 16 (2) of the Principal Act shall, on and after the appointed day, be deemed to have been registered as such a co-operative housing society.

References to terminating building societies.

4. On and after the appointed day, a reference in any Act (except this Act) or statutory instrument, or in any other instrument, or in any contract or agreement, to a terminating building society shall be construed as a reference to a co-operative housing society or Starr-Bowkett society.

Co-operative Building Advisory Committee.

5. (1) On and after the appointed day, a reference in any Act (except this Act) or statutory instrument, or in any other instrument, or in any contract or agreement, to the Co-operative Building Advisory Committee shall be construed as a reference to the Co-operative Housing Societies Advisory Committee.

(2) The Co-operative Housing Societies Advisory Committee is a continuation of the Co-operative Building Advisory Committee constituted under the Principal Act, as in force before the appointed day.

Maximum loan by certain co-operative housing societies.

6. Pending the making of an order under section 17AB (3) (c) of the Principal Act, as amended by this Act, the maximum amount referred to in that paragraph shall be the amount that was prescribed, immediately before the appointed day, for the purposes of section 17AB (3) (c) (ii) of the Principal Act.

Co-operative housing societies not amalgamated under Schedule.

7. (1) The registrar may register as the rules of a co-operative housing society—

- (a) which is deemed to have been registered under clause 3; and
- (b) which is not a member of a group of building societies to which Schedule 2 applies,

rules that are in or to the effect of the standard rules published in the Gazette by the registrar for the purposes of this subclause.

(2) Upon the rules of a society being registered pursuant to subclause (1), the existing rules of the society shall cease to have effect.

Co-operation (Amendment).

SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) Subject to section 72 (1B) of the Principal Act, as amended by this Act, the name of a society whose rules are registered pursuant to subclause (1), the registered office of the society, the number of directors of the board of the society and the financial year of the society shall be as specified in the rules of the society immediately before the registration of the rules pursuant to subclause (1).

(4) The provisions of clauses 8 and 11 of Schedule 2 apply to a society referred to in subclause (1) in the same way as they apply to an amalgamated society under that Schedule, and those provisions apply as if—

- (a) a reference in those clauses to a society that is a party to the amalgamation were a reference to the firstmentioned society; and
- (b) a reference in those clauses to the day upon which the amalgamated society is registered were a reference to the day upon which the rules of the firstmentioned society were registered pursuant to subclause (1).

Postponement of certain provisions.

8. Sections 47C, 65 (1A), 65 (1B), 72 (1B) and 92 (3) (m) of the Principal Act, as amended by this Act, and section 4A of the Government Guarantees Act, 1934, do not apply—

- (a) to any co-operative housing society that is a member of a group of building societies to which Schedule 2 applies, during the period on and after the appointed day and before the amalgamation pursuant to that Schedule of that group of building societies; or
 - (b) to any co-operative housing society (not being a society referred to in paragraph (a)) which is deemed to have been registered under clause 3, during the period on and after the appointed day and before rules of the society are registered pursuant to clause 7.
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