

# Information note

## Co-operatives and Community Benefit Societies

July 2017

### Effect of registration

Societies registered under the Co-operative and Community Benefit Societies Act 2014, like companies, are:

- **bodies corporate.** This means the society is a legal person. It can act, hold property, sue and be sued in its own name. It has perpetual succession, which means the society continues to exist even if the membership changes, unless it stops being registered.
- have **limited liability.** Members are only personally liable for the share capital they hold in the society (and any amount of share capital not yet paid up).

### Proof of registration

Registration can be confirmed by going online to: <https://mutuals.fsa.gov.uk/>, in the same way that the registration of a company can be confirmed on the Companies House Register. The register will tell you the name, address, and registration number of the society, along with details of the Act it is registered under and the date it was registered. The "Status" field will indicate whether a society is "Registered" or "Deregistered".

Societies are also listed on the Companies House register. Companies House only hold the name and registration number of a society. For all other information you are directed to see the FCA's Mutuals Public Register. There can be a delay between a society's registration and its appearance on the Companies House register. This does not affect the society's registration and the FCA Mutuals Public Register should be used for confirmation of registration.

### Directors

Societies have directors. Some societies will use the term "directors" in their rules. Others may call the directors "committee members" or sometimes "trustees". The effect is the same, and the Company Directors Disqualification Act 1986 applies.

Unlike companies, **societies are not required to notify the FCA of the appointment or removal of directors.** As such, the FCA does not maintain a list of society directors.

In the annual returns that societies submit the FCA does ask the society to detail the names of the directors for that period of reporting. This annual return reflects a snapshot in time.

## **Industrial and Provident Societies Act 1965**

On 1 August 2014 the Co-operative and Community Benefit Societies Act 2014 consolidated and replaced the previous Industrial and Provident Society Acts. Societies registered under the Industrial and Provident Societies Act 1965 before 1 August 2014, and those registered from that date forward, are all treated as societies under the Co-operative and Community Benefit Societies Act 2014.

### **Further guidance**

We have published Finalised Guidance 15/12 'Guidance on the FCA's registration function under the Co-operative and Community Benefit Societies Act 2014', which can be found here: [www.fca.org.uk/publication/finalised-guidance/fg15-12.pdf](http://www.fca.org.uk/publication/finalised-guidance/fg15-12.pdf)