

Chapter 9

Our powers

9.6 Cancelling registration

- 9.6.1** **G** We may cancel a society's registration under certain circumstances. This would happen where there has been a breach of the legislation by the society, including where:
- (1) we believe that the society is no longer complying with its condition for registration;
 - (2) it has wilfully and after being informed by us, violated legal requirements under the Act (including failing to submit annual returns);
 - (3) we are satisfied that:
 - (a) registration was obtained by fraud or mistake;
 - (b) the society has fewer than three members (or two if those members are registered societies);
 - (c) the society no longer exists;
 - (d) the society exists for an illegal purpose; or
 - (4) it appears to us that a lending society for members involved in horticulture, agriculture or forestry no longer consists mainly of members engaged in those activities or no longer lends to members as its main activity.
- 9.6.2** **G** More guidance on what we regard as a co-operative society or community benefit society (the conditions for registration) are on **RFCCBS 4** and **RFCCBS 5** respectively.
- 9.6.3** **G** Once a society's registration has been cancelled it cannot be restored.
- 9.6.4** **G** If we propose to cancel a society's registration, we will give at least two months' notice of this, stating our reasons.
- 9.6.5** **G** If we propose to cancel the registration of a society because it appears to us that it is not complying with its condition for registration, the society or its representatives may, during the two month period of notice, make representations as to why the society's registration should not be cancelled. The society also has the right to have an opportunity to be heard by us. This can be done in writing and in person.

- 9.6.6** **G** If we are cancelling the registration of a society on the ground that it appears to us that it is not complying with its condition for registration we would expect it to take steps to convert to a company, or to dissolve itself. If the society has not taken such steps within a month, we can give any directions that we consider necessary to make sure that the society's affairs are wound up before registration is cancelled. It would be an offence for a person not to follow such direction.
- 9.6.7** **G** We can also cancel the registration of a society at its request (see ■ RFCCBS 8.17.11 for more details).
- 9.6.8** **G** Cancellations are advertised in a newspaper local to the society and in the London or Edinburgh Gazette.
[Note: <https://www.thegazette.co.uk/>]