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10 May 2016

Our Ref: 160425B

Your Ref: TM/ZA26299

Dear Ms Osamor

Re: Ponders End and District Smallholders Association Limited
Mr William Haydes, [REDACTED]

Thank you for your email dated 25 April 2016 addressed to our former Chief Executive, Martin Wheatley, on behalf of your constituent Mr William Haydes. I am responding as the acting Director responsible for this area.

Ponders End and District Smallholders Association Limited (the society) is a registered society under the Co-operative and Community Benefit Societies Act 2014 (2014 Act). Societies registered under the 2014 Act must submit an annual return and accounts every year within seven months of the end of their financial year end. Failure to submit these is an offence under the 2014 Act for which a society may be prosecuted and its registration cancelled for wilful violation of the Act.

We prosecuted the society on 4 June 2015 for failing to submit its annual returns and accounts. We sent a notice before cancellation to the society on 11 November 2015 on the grounds that it wilfully violated the provision of the 2014 Act by not submitting any annual returns acceptable for filing since that submitted for the society's financial year ending 31 December 2008.

The current maximum fine is £1,000 per offence. The society was prosecuted for the 2011, 2012 and 2013 returns and accounts. They were fined £500 per offence, £20 victim surcharge and £350 in costs, making a total of £1,900. They have submitted the 2013 return and accounts but the 2011 and 2012 are still outstanding.

We have enclosed a copy of the notice before cancellation that we sent to the society. Unfortunately, we cannot provide copies of the prosecution documents because these are not public records. As a member of the society, your constituent can request copies of these documents from the society. As Mr Haydes is a member of the society, members are shareholders and as such, can exercise democratic member control together with other members.

Public records such as this annual return are available to download for a fee from our online Mutual Public Register; or by booking an appointment to view them at our office. Requests can also be submitted by email to public.records@fca.org.uk.