

1977 No. 297

BUILDING SOCIETIES**Building Societies (Authorised Investments) Order
(Northern Ireland) 1977***Made* 12th October 1977*Coming into operation* 21st November 1977

The Registrar, with the consent of the Department(a) of Commerce, in exercise of the powers conferred upon him by section 58(1) of the Building Societies Act (Northern Ireland) 1967(b) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Building Societies (Authorised Investments) Order (Northern Ireland) 1977 and shall come into operation on 21st November 1977.

Interpretation

2.—(1) In this Order “value” in relation to the assets or the investments of a building society means the value at which the assets or the investments, as the case may be, are taken into account in the books of the building society.

(2) Reference in this Order to investing funds or the making of an investment shall include investing funds or the making of an investment by way of reinvestment.

Manner of Investment

3.—(1) The manner in which a building society may invest any part of its surplus funds is specified in Parts I, II and III of Schedule 1, subject however to Articles 4 and 5 so far as the making of any investment in any manner specified in Parts II and III is concerned.

(2) Part IV of Schedule 1 shall have effect for the purposes of Parts I, II and III thereof and for the interpretation of those Parts.

Restrictions on Investment

4. A building society shall not—

- (a) make an investment in any manner specified in Part II of Schedule 1 unless at the time of the making of such investment it holds investments of any kinds specified in Part I amounting in value to not less than seven and one half per cent. of the value of the assets of the building society at the end of its last financial year before that time;
- (b) make an investment in any manner specified in Part III of Schedule 1 unless at the time of the making of such investment—

(a) Formerly Ministry: see 1973 c. 36 s. 40 and Sch. 5 para. 8(1)

(b) 1967 c. 31 (N.I.)

- (i) it holds investments of any kinds specified in Parts I and II amounting in value to not less than fifteen per cent. of the value of the assets of the building society at the end of its last financial year before that time, and
- (ii) the value of the investments specified in Part I held by it amounts to not less than seven and one half per cent. of the value of the said assets.

5.—(1) Funds kept in cash or on current account with or on temporary loan to a bank (being a bank authorised under section 59 of the Building Societies Act (Northern Ireland) 1967 to hold funds of building societies) shall, for the purposes of determining whether an investment in a manner specified in Part II or Part III of Schedule 1 may be made, be deemed to be investments of a kind specified in Part I of that Schedule.

(2) The expression “temporary loan” in paragraph (1) means a loan which is repayable—

- (a) in not more than six months after the date on which the investment referred to in paragraph (1) is to be made, or
- (b) by notice to the bank requiring it to repay the loan, such notice being a notice which will expire in not more than six months from the giving thereof and which may be given at any time after the said date.

Revocation

6. The Orders specified in Schedule 2 are hereby revoked.

Dated 12th October 1977.

J. Martin

Registrar of Building Societies

The Department of Commerce hereby consents to the foregoing Order.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 12th October 1977.

(L.S.)

W. T. McCrory

Assistant Secretary

SCHEDULE 1

MANNER OF INVESTMENT

PART I

1. In Certificates of Tax Deposit issued by the Treasury, Defence Bonds, National Development Bonds, Ulster Development Bonds, British Savings Bonds, Treasury Bills and Local Authority Bills.

2. In marketable fixed-interest securities of the following descriptions which will mature for repayment in not more than five years from the relevant date, that is to say—

- (a) securities issued by Her Majesty's Government in the United Kingdom or by the Government of Northern Ireland;
- (b) securities the repayment of the principal of which and the payment of interest on which are guaranteed by Her Majesty's Government in the United Kingdom or by the Government of Northern Ireland;
- (c) securities issued in the United Kingdom by the Government of any overseas territory (as defined by the Overseas Service Act 1958(c)) within the Commonwealth, being securities registered in the United Kingdom;
- (d) securities issued in the United Kingdom the repayment of the principal of which and the payment of interest on which are guaranteed by the Government of any overseas territory (as defined by the Overseas Service Act 1958) within the Commonwealth, being securities registered in the United Kingdom;
- (e) securities issued in the United Kingdom by any relevant authority, or public authority or nationalised industry or undertaking in the United Kingdom;
- (f) securities issued in the United Kingdom by the International Bank for Reconstruction and Development, being securities registered in the United Kingdom;
- (g) securities issued in the United Kingdom by the Inter-American Development Bank;
- (h) securities issued in the United Kingdom by the European Coal and Steel Community or the European Investment Bank, being securities registered in the United Kingdom;

3. In marketable variable-interest securities issued by Her Majesty's Government in the United Kingdom or by the Government of Northern Ireland, being securities which will mature for repayment in not more than five years from the relevant date.

4.—(1) In loans of the descriptions contained in sub-paragraph (2), which are repayable—

- (a) in not more than six months after the relevant date, or
- (b) by notice to the borrower requiring it to repay the loan, such notice being a notice which will expire in not more than six months from the giving thereof and which may be given at any time after the relevant date.

(2) The loans referred to in sub-paragraph (1) are:—

- (a) loans to any relevant authority in the United Kingdom which are charged on all or any of the revenues of the authority, or on a fund into which all or any of its revenues are payable;

- (b) loans to the Department of Finance for Northern Ireland the principal of and interest on which are charged on the Consolidated Fund of Northern Ireland.

5. In deposits with any relevant authority in the United Kingdom (not being money borrowed by a local authority to which paragraph 11(1) of Schedule 13 to the Local Government Act 1972(d), or paragraph 8(1) of Schedule 3 to the Local Government (Scotland) Act 1975(e), or section 63(1) of the Local Government Act (Northern Ireland) 1972(f) applies), by way of temporary loan—

- (a) which is made on the giving of—
- (i) a receipt for the loan by the Treasurer or other similar officer of the authority, and
 - (ii) an undertaking by the authority that, if requested to charge the loan on all or any of the revenues of the authority or on a fund into which all or any of its revenues are payable, it will either comply with the request or repay the loan, and
- (b) which is repayable by notice to the authority requiring it to repay the loan, such notice being a notice which will expire in not more than seven days from the giving thereof and which may be given at any time—
- (i) after the making of the loan or
 - (ii) after a period which does not exceed three months from the relevant date.

PART II

6. In marketable fixed-interest securities of the descriptions contained in subparagraphs (a) to (h) of paragraph 2 of Part I which will mature for repayment in more than five years but in not more than fifteen years from the relevant date.

7. In marketable variable-interest securities issued by Her Majesty's Government in the United Kingdom or the Government of Northern Ireland, being securities which will mature for repayment in more than five years but in not more than fifteen years from the relevant date.

8. In loans of the descriptions contained in paragraph 4(2) of Part I which are repayable in more than six months but in not more than two years from the relevant date.

9. In deposits with any relevant authority in the United Kingdom (not being money borrowed by a local authority to which paragraph 11(1) of Schedule 13 to the Local Government Act 1972, or paragraph 8(1) of Schedule 3 to the Local Government (Scotland) Act 1975, or section 63(1) of the Local Government Act (Northern Ireland) 1972 applies), by way of temporary loan—

- (a) which is made as is provided for in paragraph 5(a) of Part I, and
- (b) which is repayable by notice to the authority requiring it to repay the loan, such notice being a notice which will expire in not more than seven days from the giving thereof and which may be given at any time after a period which exceeds three months but does not exceed one year from the relevant date.

(d) 1972 c. 70
(e) 1975 c. 30

(f) 1972 c. 9 (N.I.)

PART III

10. In marketable fixed-interest securities of the descriptions contained in sub-paragraphs (a) to (h) of paragraph 2 of Part I which will mature for repayment in more than fifteen years but in not more than twenty-five years from the relevant date.

11. In marketable variable-interest securities issued by Her Majesty's Government in the United Kingdom or by the Government of Northern Ireland, being securities which will mature for repayment in more than fifteen years but in not more than twenty-five years from the relevant date.

12. In loans of the descriptions contained in paragraph 4(2) of Part I which are repayable in more than two years but in not more than five years from the relevant date.

PART IV

Interpretation

13. In this Schedule—

“relevant authority” means any of the following authorities—

- (a) any local authority in the United Kingdom;
- (b) any authority all the members of which are appointed or elected by one or more local authorities in the United Kingdom;
- (c) any authority the majority of the members of which are appointed or elected by one or more local authorities in the United Kingdom, being an authority which by virtue of any enactment has power to issue a precept to a local authority in England, Wales and Northern Ireland, or a requisition to a local authority in Scotland, or to the expenses of which, by virtue of any enactment, a local authority in the United Kingdom is or can be required to contribute;
- (d) the Receiver for the Metropolitan Police District or a combined police authority (within the meaning of the Police Act 1964(g));
- (e) a water authority within the meaning of section 2(3) of the Water Act 1973(h);

“local authority” means any of the following authorities—

- (a) in England and Wales, a county council, the Greater London Council, a district council, a London borough council, a parish or community council, the Common Council of the City of London, and the Council of the Isles of Scilly;
- (b) in Scotland, a local authority within the meaning of section 235 of the Local Government (Scotland) Act 1973(i);
- (c) in Northern Ireland, a district council within the meaning of section 1 of the Local Government Act (Northern Ireland) 1972;

“marketable fixed-interest securities” means securities the price of which is quoted on a recognised stock exchange within the meaning of the Prevention of Fraud (Investments) Act (Northern Ireland) 1940(j) and the Prevention of Fraud (Investments) Act 1958(k), or bonds issued in the United Kingdom by a local authority in whole or in part to a bank, discount house, issuing house, or broker in the City of London; being in either case, securities on which the rate of interest is fixed by the terms of their issue;

(g) 1964 c. 48
(h) 1973 c. 37
(i) 1973 c. 65

(j) 1940 c. 9 (N.I.)
(k) 1958 c. 45

"marketable variable-interest securities" means securities the price of which is quoted on a recognised stock exchange within the meaning of the Prevention of Fraud (Investments) Act (Northern Ireland) 1940 and the Prevention of Fraud (Investments) Act 1958, being securities on which the rate of interest is variable by the terms of their issue;

"relevant date" in relation to any security or loan in which an investment is at any time to be made, means the date on which that investment is to be made, and in relation to any security or loan held for the time being as an investment whose value is to be taken into account for the purposes of determining whether an investment specified in Parts II or III may be made, the date on which that investment is to be made;

"securities" includes stock, debentures, debenture stock and bonds, but does not include any securities where the holder is not entitled to require the repayment of the principal, and the payment of interest, in sterling;

"Treasury Bills" includes Bills issued by Her Majesty's Government in the United Kingdom and Northern Ireland Treasury Bills;

"Local Authority Bills" means bills issued in the United Kingdom by a local authority under powers conferred on it by any Act of Parliament, Measure or Order in Council.

14. For the purposes of this Schedule—

- (a) the date on which any security will mature for repayment shall be the last or only date on which that security shall be repayable by or under its terms of issue;
- (b) the date on which a loan will be repayable shall be the last or only date on which that loan shall be repayable by or under the terms of the making of the loan, except that if under the terms of any loan the lender may require its repayment at any date, the date shall be the earliest date on which repayment may be so required.

SCHEDULE 2

ORDERS REVOKED

Orders Revoked	References
Building Societies (Authorised Investments) Order (Northern Ireland) 1968	S.R. & O. (N.I.) 1968 No. 134 (p. 512)
Building Societies (Authorised Investments) (Amendment) Order (Northern Ireland) 1976	S.R. 1976 No. 38 (1, p. 182)

EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

This Order prescribes the manner in which building societies incorporated under the Building Societies Act (Northern Ireland) 1967 or enactments repealed by that Act may invest funds not immediately required for their purposes. It consolidates, with minor drafting amendments, the Orders specified in Schedule 2 and in addition permits building societies to invest in marketable variable-interest securities issued by Her Majesty's Government in the United Kingdom or by the Government of Northern Ireland.

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These Orders have been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. Summaries are given in the List of Statutory Rules of a Local Character under the heading AMENITY LANDS.