
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the Banking (Special Provisions) Act 2008 (c.2). It amends the Schedule to the Bradford & Bingley plc Compensation Scheme Order 2008 (S.I.2008/3249) (“the Compensation Scheme Order”).

The Compensation Scheme Order provides a Scheme for determining the amount of compensation, if any, payable by the Treasury to those whose securities were transferred, or whose rights were extinguished, by the Bradford & Bingley plc Transfer of Securities and Property etc. Order 2008 (S.I.2008/2546).

The Compensation Scheme Order provides for the appointment of an independent valuer to determine the amount of compensation, if any, payable by the Treasury.

New paragraph 8A of the Schedule provides that the court may, on an application by the valuer, make an order requiring a person to provide any information that is reasonably required for the purpose of assessing the amount of any compensation payable by the Treasury, subject to certain specified exceptions.

New paragraph 8B provides that a person is not to be liable for breach of confidence where information is given to the valuer for the purposes of the assessment of compensation.

New paragraphs 8C and 8D provide that information which has been obtained by the valuer for the purpose of assessing the amount of any compensation payable by the Treasury may only be disclosed by the valuer in specified circumstances.

In addition, article 3 makes a minor amendment to the Compensation Scheme Order which is consequential on the amendment of article 6 (modification of interests, rights and liabilities in relevant instruments) of the Bradford & Bingley plc Transfer of Securities and Property etc. Order 2008 by the Bradford & Bingley plc Transfer of Securities and Property etc. (Amendment) Order 2009 (S.I.2009/320).

An Impact Assessment has not been prepared for this instrument as no significant impact on business, charities or voluntary bodies is foreseen.