

*Status: Point in time view as at 06/04/2008.*

*Changes to legislation: Building Societies Act 1986, Cross Heading: Penal provisions is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 15

#### APPLICATION OF COMPANIES WINDING UP LEGISLATION TO BUILDING SOCIETIES

#### PART II

#### MODIFIED APPLICATION OF INSOLVENCY ACT 1986

#### PARTS IV AND XII

#### *Penal provisions*

- 30 Sections 216 and 217 of the Act (restriction on re-use of name) do not apply.
- 31 (1) Sections 218 and 219 (prosecution of delinquent officers) of the Act do not apply in relation to offences committed by members of a building society acting in that capacity.
- (2) Sections 218(5) of the Act and subsections (1) and (2) of section 219 of the Act do not apply.
- (3) The references in subsections (3) and (4) of section 219 of the Act to the Secretary of State shall have effect as references to the <sup>F1</sup>Authority; and the reference in subsection (3) to subsection 218 of the Act shall have effect as a reference to that section as supplemented by paragraph 32 below.

#### **Textual Amendments**

**F1** Words in Sch. 15 para. 31(3) substituted (17.8.2001 for certain purposes and otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8, 13(1), **Sch. 3 Pt. II para. 209(f)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2**

- 32 (1) Where a report is made to the prosecuting authority (within the meaning of section 218) under section 218(4) of the Act, in relation to an officer of a building society, he may, if he thinks fit, refer the matter to the [<sup>F2</sup>Authority] for further enquiry.
- (2) On such a reference to it the [<sup>F3</sup>Authority] shall exercise its power under section 55(1) of this Act to appoint one or more investigators to investigate and report on the matter.
- (3) An answer given by a person to a question put to him in exercise of the powers conferred by section 55 on a person so appointed may be used in evidence against the person giving it.

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#### **Textual Amendments**

- F2** Words in Sch. 15 para. 32(1)(2) substituted (17.8.2001 for certain purposes and otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8, 13(1), **Sch. 3 Pt. II para. 209(f)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2**
- F3** Words in Sch. 15 para. 32(1)(2) substituted (17.8.2001 for certain purposes and otherwise 1.12.2001) by S.I. 2001/2617, arts. 2, 8, 13(1), **Sch. 3 Pt. II para. 209(f)** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2**

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