

SCHEDULES

SCHEDULE 5

TRANSITIONAL PROVISIONS

Use of banking names

- 13 (1) Subject to sub-paragraph (2) below, section 67 of this Act does not-prohibit the use by an institution which is incorporated in or is a partnership formed under the law of any part of the United Kingdom and is deemed to be an authorised institution by virtue of paragraph 2 above of a name which was its registered business or company name immediately before the coming into force of Part III of this Act or of section 36 of the former Act.
- (2) Sub-paragraph (1) above shall cease to apply—
- (a) in the case of an incorporated institution, if the total value in sterling of its issued share capital and undistributable reserves falls below their total value at the coming into force of Part III of this Act; or
 - (b) in the case of a partnership in respect of which one or more designated fixed capital accounts are maintained, if the total value in sterling of those accounts falls below their value at that time.
- (3) Section 67 of this Act does not prohibit the use by—
- (a) an authorised institution which is a wholly-owned subsidiary of an institution to which sub-paragraph (1) above applies; or
 - (b) a company which has a wholly-owned subsidiary which is an institution to which that sub-paragraph applies,
- of a name which includes the name of the institution to which that sub-paragraph applies for the purpose of indicating the connection between the two companies.
- (4) In sub-paragraph (2) above "share capital" and "designated fixed capital account" have the same meaning as in subsection (2) of section 67 of this Act and "undistributable reserves" means such reserves as mentioned in paragraph (a)(ii) of that subsection.