



Banking Act 1987 (repealed)

1987 CHAPTER 22

PART VI

MISCELLANEOUS AND SUPPLEMENTARY

105 Meaning of “director”, “controller”, “manager”, and “associate”.

- (1) In the provisions of this Act other than section 96 “director”, “controller”, “manager” and “associate” shall be construed in accordance with the provisions of this section.
- (2) “Director”, in relation to an institution, includes—
 - (a) any person who occupies the position of a director, by whatever name called; and
 - (b) in the case of an institution established in a country or territory outside the United Kingdom, any person, including a member of a managing board, who occupies a position appearing to the Bank to be analogous to that of a director of a company registered under the ^{M1}Companies Act 1985;and in the case of a partnership “director”, where it is used in subsections (6) and (7) below, includes a partner.
- (3) “Controller”, in relation to an institution, means—
 - (a) a managing director of the institution or of another institution of which it is a subsidiary or, in the case of an institution which is a partnership, a partner;
 - (b) a chief executive of the institution or of another institution of which it is a subsidiary;
 - (c) a person who, either alone or with any associate or associates, is entitled to exercise, or control the exercise of, 15 per cent. or more of the voting power at any general meeting of the institution or of another institution of which it is a subsidiary; and
 - (d) a person in accordance with whose directions or instructions the directors of the institution or of another institution of which it is a subsidiary or persons who are controllers of the institution by virtue of paragraph (c) above (or any of them) are accustomed to act.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Banking Act 1987 (repealed), Section 105. (See end of Document for details)

- (4) A person who is a controller of an institution by virtue of paragraph (c) of subsection (3) above is in this Act referred to as a “shareholder controller” of the institution; and in this Act—
- (a) a “minority shareholder controller” means a shareholder controller in whose case the percentage referred to in that paragraph does not exceed 50;
 - (b) a “majority shareholder controller” means a shareholder controller in whose case that percentage exceeds 50 but not 75; and
 - (c) a “principal shareholder controller” means a shareholder controller in whose case that percentage exceeds 75.
- (5) A person who is a controller of an institution by virtue of subsection (3)(d) above is in this Act referred to as “an indirect controller” of the institution.
- (6) “Manager”, in relation to an institution, means a person (other than a chief executive) who, under the immediate authority of a director or chief executive of the institution—
- (a) exercises managerial functions; or
 - (b) is responsible for maintaining accounts or other records of the institution.
- (7) In this section “chief executive”, in relation to an institution, means a person who, either alone or jointly with one or more other persons, is responsible under the immediate authority of the directors for the conduct of the business of the institution.
- (8) Without prejudice to subsection (7) above, in relation to an institution whose principal place of business is in a country or territory outside the United Kingdom, “chief executive” also includes a person who, either alone or jointly with one or more other persons, is responsible for the conduct of its business in the United Kingdom.
- (9) In this Act “associate”, in relation to a person entitled to exercise or control the exercise of voting power in relation to, or holding shares in, a body corporate, means—
- (a) the wife or husband or son or daughter of that person;
 - (b) any company of which that person is a director;
 - (c) any person who is an employee or partner of that person;
 - (d) if that person is a company—
 - (i) any director of that company;
 - (ii) any subsidiary of that company; and
 - (iii) any director or employee of any such subsidiary; and
 - (e) if that person has with any other person an agreement or arrangement with respect to the acquisition, holding or disposal of shares or other interests in that body corporate or under which they undertake to act together in exercising their voting power in relation to it, that other person.
- (10) For the purposes of subsection (9) above “son” includes stepson and “daughter” includes step-daughter.

Marginal Citations

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Changes to legislation:

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