



# Building Societies Act 1997

## 1997 CHAPTER 32

### PART II **U.K.**

#### POWERS OF CONTROL OF COMMISSION

#### 17 **Power to direct transfers of engagements or business.** **U.K.**

(1) After section 42A of the 1986 Act there shall be inserted the following section—

**“42B Power to direct transfers of engagements or business.**

- (1) If, with respect to a building society for which an authorisation is in force, the Commission considers it expedient to do so in order to protect the investments of shareholders or depositors, it may either—
- (a) direct the society, within a specified period, to transfer all its engagements to one or more other building societies under section 94; or
  - (b) direct the society, within a specified period, to transfer its business to an existing company under section 97.
- (2) Failure by a society to comply with a direction given under subsection (1) shall render it liable to have its authorisation revoked under section 43(1).
- (3) Where the Commission—
- (a) gives a building society a direction under subsection (1)(a) above; or
  - (b) does not give a building society such a direction solely because the society is already seeking to transfer all its engagements to one or more other building societies under section 94,

the Commission may, if it considers it expedient to do so in order to protect the investments of shareholders or depositors, direct that, instead of resolving to transfer its engagements by the two resolutions required by section 94(2) (with or without the additional resolution required by section 94(3)), the society may resolve to do so by a resolution of the board of directors.

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*Changes to legislation: There are currently no known outstanding effects for the Building Societies Act 1997, Section 17. (See end of Document for details)*

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- (4) Where the Commission—
- (a) gives a building society a direction under subsection (1)(b) above; or
  - (b) does not give a building society such a direction solely because the society is already seeking to transfer its business to an existing company under section 97,
- the Commission may, if it considers it expedient to do so in order to protect the investments of shareholders or depositors, direct that, instead of approving the transfer and the terms of the transfer by the two resolutions required by section 97(4)(c), the society may approve the transfer and those terms by a resolution of the board of directors.
- (5) A direction under subsection (3) or (4) above—
- (a) shall be in writing;
  - (b) may be given subject to such limitations or conditions as the Commission may think fit; and
  - (c) unless renewed by a further direction, shall cease to have effect at the end of the period of 90 days beginning with the day on which it is given.
- (6) Section 45 has effect for the purpose of any determination whether or not it is expedient to exercise the powers conferred by this section.
- (7) In Schedule 8A to this Act—
- (a) Part I (which contains provisions modifying sections 94 to 96 and Schedule 16 to this Act) shall apply where a direction is given under subsection (3) above; and
  - (b) Part II (which contains provisions modifying sections 97 to 100 and Schedule 17 to this Act) shall apply where a direction is given under subsection (4) above.
- (8) The Commission, with the consent of the Treasury, may make regulations for the purpose of specifying, as prescribed matters—
- (a) the matters of which statements under paragraph 3 of Schedule 8A to this Act are to give particulars; and
  - (b) the matters of which statements under paragraph 9 of that Schedule are to give particulars.
- (9) The power to make regulations under this section is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) Immediately before Schedule 9 to the 1986 Act there shall be inserted, as Schedule 8A, the provisions set out in Schedule 4 to this Act (transfer directions: modifications of Part X).

**Changes to legislation:**

There are currently no known outstanding effects for the Building Societies Act 1997, Section 17.