

## SCHEDULES

### SCHEDULE 6

Section 51(1).

#### CONSEQUENTIAL AMENDMENTS

#### PART I

#### ENACTMENTS AMENDED

##### *The Bankers' Books Evidence Act 1879 (c.11)*

- 1 For section 9 of the Bankers' Books Evidence Act 1879 (meaning of " bank ", " banker ", and " bankers' books" for the purposes of that Act) there shall be substituted the following section: —

##### **“9 Interpretation of "bank", "banker", and " bankers' books ".**

- (1) In this Act the expressions " bank" and " banker " mean—
- (a) a recognised bank, licensed institution or municipal bank, within the meaning of the Banking Act 1979 ;
  - (b) a trustee savings bank within the meaning of section 3 of the Trustee Savings Banks Act 1969 ;
  - (c) the National Savings Bank ; and
  - (d) the Post Office, in the exercise of its powers to provide banking services.
- (2) Expressions in this Act relating to " bankers' books" include ledgers, day books, cash books, account books and other records used in the ordinary business of the bank, whether those records are in written form or are kept on microfilm, magnetic tape or any other form of mechanical or electronic data retrieval mechanism.”

##### *The Agricultural Credits Act 1928 (c.43)*

- 2 In subsection (7) of section 5 of the Agricultural Credits Act 1928 (agricultural charges on farming stock and assets) for the definition of " Bank" there shall be substituted the following definition: —

“" Bank " means the Bank of England, a recognised bank or licensed institution within the meaning of the Banking Act 1979, a trustee savings bank within the meaning of section 3 of the Trustee Savings Banks Act 1969 or the Post Office, in the exercise of its powers to provide banking services”.

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*The Agricultural Credits (Scotland) Act 1929 (c.13)*

- 3 In subsection (2) of section 9 of the Agricultural Credits (Scotland) Act 1929 (interpretation), for the definition of " Bank " there shall be substituted the following definition: —

“" Bank " means the Bank of England, a recognised bank or licensed institution within the meaning of the Banking Act 1979, a trustee savings bank within the meaning of section 3 of the Trustee Savings Banks Act 1969 or the Post Office, in the exercise of its powers to provide banking services”.

*The Prevention of Fraud (Investments) Act (Northern Ireland) 1940 (c.9) (N.I.)*

- 4 (1) Subsection (1) of section 12 of the Prevention of Fraud (Investments) Act (Northern Ireland) 1940 (penalty for fraudulently inducing persons to invest money) shall be amended as follows: —

- (a) after the words " the reckless making " there shall be inserted the words " (dishonestly or otherwise) "; and  
(b) for paragraph (b) there shall be substituted the following paragraph: —

“(b) to take part or offer to take part in any arrangements with respect to property other than securities, being arrangements the purpose or effect, or pretended purpose or effect, of which is to enable persons taking part in the arrangements (whether by becoming owners of the property or any part of the property or otherwise) to participate in or receive profits or income alleged to arise or to be likely to arise from the acquisition, holding, management or disposal of such property, or sums to be paid or alleged to be likely to be paid out of such profits or income.”

- (2) In the proviso to subsection (3) of section 13 of the said Act of 1940, for the words from " any arrangements " to the end there shall be substituted the words " any such arrangements as are mentioned in paragraph (b) of subsection (1) of the last preceding section ".

*The Prevention of Fraud (Investments) Act 1958 (c.45)*

- 5 (1) Subsection (1) of section 13 of the Prevention of Fraud (Investments) Act 1958 (penalty for fraudulently inducing persons to invest money) shall be amended as follows: —

- (a) after the words " the reckless making " there shall be inserted the words " (dishonestly or otherwise) ";  
(b) for paragraph (b) there shall be substituted the following paragraph: —

“(b) to take part or offer to take part in any arrangements with respect to property other than securities, being arrangements the purpose or effect, or pretended purpose or effect, of which is to enable persons taking part in the arrangements (whether by becoming owners of the property or any part of the property or otherwise) to participate in or receive profits or income alleged to arise or to be likely to arise from the acquisition, holding, management or disposal of such property, or sums to be paid or alleged to be likely to be paid out of such profits or income.”

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*Status: This is the original version (as it was originally enacted).*

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- (2) In the proviso to subsection (3) of section 14 of the said Act of 1958, for the words from "any arrangements" to the end there shall be substituted the words " any such arrangements as are mentioned in paragraph (b) of subsection (1) of the last preceding section " .

*The Building Societies Act 1962 (c.37)*

- 6 In subsection (5) of section 59 of the Building Societies Act 1962 (institutions which may be authorised to hold surplus funds of building societies) for the words " a body corporate or partnership carrying on the business of banking " there shall be substituted the words " a recognised bank within the meaning of the Banking Act 1979 " .

*The Building Societies Act (Northern Ireland) 1967 (c.31) (N.I.)*

- 7 In subsection (5) of section 59 of the Building Societies Act (Northern Ireland) 1967 (institutions which may be authorised to hold surplus funds of building societies) for the words " a body corporate or partnership carrying on the business of banking" there shall be substituted the words " a recognised bank within the meaning of the Banking Act 1979 " .

*The Industrial and Provident Societies Act (Northern Ireland) 1969 (c.24) (N.I.)*

- 8 At the end of section 87 of the Industrial and Provident Societies Act (Northern Ireland) 1969 (investment of surplus funds of credit unions) there shall be added the following subsection: —

“(7) In this section " bank " means—

- (a) a recognised bank or municipal bank within the meaning of the Banking Act 1979 ;
- (b) a trustee savings bank within the meaning of section 3 of the Trustee Savings Banks Act 1969 ; and
- (c) the National Savings Bank.”

*The Solicitors Act 1974 (c.47)*

- 9 In subsection (1) of section 87 of the Solicitors Act 1974 (interpretation of expressions used in that Act), in the definition of " bank "—
- (a) in paragraph (a) after the word " England " there shall be inserted the words " the Post Office, in the exercise of its powers to provide banking services, or a recognised bank within the meaning of the Banking Act 1979 " ; and
  - (b) in paragraph (b) for the words " a company as to which the Secretary of State is satisfied " there shall be substituted the words " any other company as to which, immediately before the repeal of the Protection of Depositors Act 1963, the Secretary of State was satisfied " ;
- and the expression " bank " in any instrument made under the said Act of 1974 which is in force immediately before the appointed day shall be construed accordingly.

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*The Solicitors (Scotland) Act 1976 (c.6)*

- 10 In subsection (1) of section 5 of the Solicitors (Scotland) Act 1976 (extension of power of Council to make rules regarding certain accounts)—
- (a) after the words "National Savings Bank" there shall be inserted the words " the Post Office, in the exercise of its powers to provide banking services, a recognised bank within the meaning of the Banking Act 1979 "; and
  - (b) for the words " company as to which the Secretary of State is satisfied " there shall be substituted the words " other company as to which, immediately before the repeal of the Protection of Depositors Act 1963, the Secretary of State was satisfied ";
- and the expression " bank " in any instrument made under the said Act of 1976 or under the Solicitors (Scotland) Act 1949 which is in force immediately before the appointed day shall be construed accordingly.

*The Home Purchase Assistance and Housing Corporation Guarantee Act 1978 (c.27)*

- 11 In Part I of the Schedule to the Home Purchase Assistance and Housing Corporation Guarantee Act 1978 (lending institutions) in paragraph 7 for the words " Companies which have satisfied the Secretary of State " there shall be substituted the words " Recognised banks, within the meaning of the Banking Act 1979, and any other companies as to which, immediately before the repeal of the Protection of Depositors Act 1963, the Secretary of State was satisfied ".

*The Home Purchase Assistance (Northern Ireland) Order 1978 (1978/1043) (N.I. 13)*

- 12 In Part I of the Schedule to the Home Purchase Assistance (Northern Ireland) Order 1978 (lending institutions) in paragraph 4 for the words "Companies which have satisfied the Department of Commerce " there shall be substituted the words " Recognised banks, within the meaning of the Banking Act 1979, and any other companies as to which, immediately before the repeal of the Protection of Depositors Act (Northern Ireland) 1964, the Department of Commerce was satisfied ".

**PART II**

SAVINGS

*The Bankers' Books Evidence Act 1879 (c.11)*

- 13 Nothing in paragraph 1 above shall affect the operation of the Bankers' Books Evidence Act 1879 in relation to any entry in any banker's book made, or relating to a transaction carried out,—
- (a) before the day appointed for the purposes of that paragraph ; or
  - (b) at a time when the bank or banker in question was permitted to accept deposits by virtue of subsection (4) of section 2 of this Act.

*The Agricultural Credits Act 1928 (c.43)*

- 14 Nothing in paragraph 2 above shall affect the validity of, or the rights and obligations of the parties to, an agricultural charge within the meaning of the

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Agricultural Credits Act 1928 made before the day appointed for the purposes of that paragraph.

*The Agricultural Credits (Scotland) Act 1929 (c.13)*

- 15 Nothing in paragraph 3 above shall affect the validity of, or the rights and obligations of the parties to, an agricultural charge within the meaning of the Agricultural Credits (Scotland) Act 1929 made before the day appointed for the purposes of that paragraph.

*The Building Societies Act 1962 (c.37)*

- 16 Nothing in paragraph 6 above shall affect the authority of any body corporate or partnership which immediately before the day appointed for the purposes of that paragraph was designated by order of the Chief Registrar under section 59 of the Building Societies Act 1962 or the power of the Chief Registrar to remove the authority of such a body or partnership by a subsequent order made on or after that day.

*The Building Societies Act (Northern Ireland) 1967 (c.31) (N.I.)*

- 17 Nothing in paragraph 7 above shall affect the authority of any body corporate or partnership which immediately before the day appointed for the purposes of that paragraph was designated by order of the registrar under section 59 of the Building Societies Act (Northern Ireland) 1967 or the power of the registrar to remove the authority of such a body or partnership by a subsequent order made on or after that day.

*The Industrial and Provident Societies Act (Northern Ireland) 1969 (c.24) (N.I.)*

- 18 Nothing in paragraph 8 above shall affect the authority of any body which immediately before the day appointed for the purposes of that paragraph was authorised by order of the registrar under section 87 of the Industrial and Provident Societies Act (Northern Ireland) 1969 or the power of the registrar to remove the authority of such a body by a subsequent order made on or after that day.
- 19 The savings contained in this Part of this Schedule are without prejudice to section 16 of the Interpretation Act 1978 (general savings).