DRAFT STATUTORY INSTRUMENTS

2009 No. ***

BANKS AND BANKING

The Dunfermline Building Society Compensation Scheme, Resolution Fund and Third Party Compensation Order 2009

Made - - - - *** 2009

Coming into force *** 2009

THE DUNFERMLINE BUILDING SOCIETY COMPENSATION SCHEME, RESOLUTION FUND AND THIRD PARTY COMPENSATION ORDER 2009

PART 1

General

- 1. Citation and commencement
- 2. Interpretation

PART 2

Dunfermline Compensation Scheme

3. Transfer of the Nationwide business: determination of amount of compensation

PART 3

Independent valuer

- 4. Functions of the independent valuer
- 5. Appointment of the independent valuer

PART 4

Dunfermline Resolution Fund

- 6. Transfer of the Bridge Bank business: resolution fund
- 7. Payments into the resolution fund
- 8. Entitlement to the moneys in the resolution fund and payments out of the resolution fund

PART 5

Third Party Compensation

- 9. Third party compensation
- 10. Payment of compensation

PART 6

Financial Services Compensation Scheme

11. Assessment of recoveries Signature

SCHEDULE 1 — The Dunfermline Resolution Fund

PART 1 — Arrangements for the Dunfermline Resolution Account

- 1. The Dunfermline Resolution Account
- 2. Annual report and accounts

PART 2 — Arrangements for making payments into the Dunfermline Resolution Account

- 3. Payments into the resolution fund
 - PART 3 Arrangements for making payments from, and entitlements to, the Dunfermline Resolution Account
- 4. Payments from the resolution fund
- 5. Payments to the Treasury and the Bank of England
- 6. Entitlement to the resolution fund: Dunfermline
- 7. Certification of costs

SCHEDULE 2 — The Dunfermline Third Party Compensation Scheme

PART 1 — General provisions

- 1. Citation
- 2. Interpretation
 - PART 2 Determination of amount of compensation: third parties affected by the application of section 38(6) of the Act
- 3. Third party compensation: persons affected by the application of section 38(6) of the Act
- 4. Assessment notice

PART 3 — Determination of amount of compensation: pre-transfer creditors

- 5. Third party compensation: pre-transfer creditors of Dunfermline
- 6. Assessment of insolvency treatment
- 7. Assessment of compensation: transferred creditors
- 8. Assessment of compensation: remaining creditors
- 9. Valuation principles
- 10. Assessment notice
- 11. Interim payments
- 12. Balancing payments

PART 4 — Payment of compensation

13. Payment of compensation

Explanatory Note