

**Changes to legislation:** Building Societies Act 1986, Part I is up to date with all changes known to be in force on or before 02 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 15A

#### APPLICATION OF OTHER COMPANIES INSOLVENCY LEGISLATION TO BUILDING SOCIETIES

##### Textual Amendments

**F1** Sch. 15A inserted (1.12.1997) by 1997 c. 32, s. 39(2), **Sch. 6**; S.I. 1997/2668, art. 2, **Sch. Pt. I(i)**

##### Modifications etc. (not altering text)

- C1** Sch. 15A applied (with modifications) (7.4.2010) by The Building Societies (Financial Assistance) Order 2010 (S.I. 2010/1188), arts. 1(2), **11** (as amended (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), arts. 1(1), 2(c), **Sch. 11 para. 18(5)(d)** (with Sch. 12) and (with application in accordance with art. 1(4) of the amending S.I.) by The Building Societies (Floating Charges and Other Provisions) Order 2016 (S.I. 2016/679), art. 1(1)(2), **5(3)**)
- C1** Sch. 15A: amendment to earlier affecting provision S.I. 2010/1188, **arts. 1(2), 11** (1.4.2013) by The Financial Services Act 2012 (Mutual Societies) Order 2013 (S.I. 2013/496), arts. 1(1), 2(c), **Sch. 11 para. 018(05)(d)** (with Sch. 12)
- C1** Sch. 15A amendment to earlier affecting provision SI 2010/1188 art. 11 (with application in accordance with art. 1(4) of the amending S.I.) by The Building Societies (Floating Charges and Other Provisions) Order 2016 (S.I. 2016/679), art. 1(1)(2), **5(3)**

### PART I

#### GENERAL MODE OF APPLICATION

- 1 (1) Subject to the provisions of this Schedule, the enactments specified in sub-paragraph (2) below (referred to in this Schedule as “the enactments”) apply in relation to building societies as they apply in relation to companies limited by shares and [<sup>F2</sup>registered under the Companies Act 2006 in England and Wales or Scotland or (as the case may be) in Northern Ireland.]
- (2) The enactments referred to in sub-paragraph (1) above are—
- (a) Parts I <sup>F3</sup>...[<sup>F4</sup>, II, [<sup>F5</sup>and 3, section 176ZB (in Part 4), and]] VI, VII, XII and XIII, section 434 and Part XVIII of the <sup>M1</sup>Insolvency Act 1986, or
- (b) [<sup>F6</sup>Part I, Part II <sup>F7</sup>..., Parts III,]IV, VII, XI and XII and Article 378 of the <sup>M2</sup>Insolvency (Northern Ireland) Order 1989,
- and, in so far as they relate to offences under any such enactment, sections 430 and 432 of, and Schedule 10 to, the <sup>M3</sup>Insolvency Act 1986 or Article 2(6) and 373 of, and Schedule 7 to, the <sup>M4</sup>Insolvency (Northern Ireland) Order 1989.

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### Textual Amendments

- F2** Words in Sch. 15A para. 1(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 87(12)(a)** (with art. 10)
- F3** Words in Sch. 15A para. 1(2)(a) omitted (26.6.2020) by virtue of [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), **Sch. 3 para. 34** (with ss. 2(2), 5(2))
- F4** Words in Sch. 15A para. 1(2)(a) substituted (with application in accordance with art. 1(4) of the amending S.I.) by [The Building Societies \(Floating Charges and Other Provisions\) Order 2016 \(S.I. 2016/679\)](#), arts. 1(1), **4(2)(a)**
- F5** Words in Sch. 15A para. 1(2)(a) substituted (7.4.2017) by [The Deregulation Act 2015, the Small Business, Enterprise and Employment Act 2015 and the Insolvency \(Amendment\) Act \(Northern Ireland\) 2016 \(Consequential Amendments and Transitional Provisions\) Regulations 2017 \(S.I. 2017/400\)](#), regs. 1(2), **2(4)(a)**
- F6** Words in Sch. 15A para. 1(2)(b) substituted (2.2.2004) by [The Insolvency \(Northern Ireland\) Order 2002 \(S.I. 2002/3152\)](#), art. 1(3), **Sch. 2 para. 14(2)**; S.R. 2003/545, art. 2 (subject to S.R. 2003/546, arts. 2-7)
- F7** Words in Sch. 15A para. 1(2)(b) omitted (26.6.2020) by virtue of [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), **Sch. 7 para. 30** (with ss. 2(2), 5(2))

### Marginal Citations

- M1** 1986 c.45.  
**M2** S.I. 1989/2405 (N.I.19).  
**M3** 1986 c.45.  
**M4** S.I. 1989/2405 (N.I.19).

- 2 (1) The enactments shall, in their application to building societies, have effect with the substitution—
- [ every reference to a company registered in Scotland shall have effect as a  
<sup>F8</sup>(aa) reference to a building society whose principal office is situated in Scotland;]
- [ every reference to a company registered in Scotland shall have effect as a  
<sup>F9</sup>(aa) reference to a building society whose registered office is situated in Scotland;]
- (a) for “company” of “ building society ”<sup>F10</sup>(except as otherwise specified in paragraphs 27H and 54 below) ] ;
- (b) for “the registrar of companies” or “the registrar” of “ [<sup>F11</sup>Financial Conduct Authority] ”;
- (c) for “the articles” of “ the rules ”; and
- (d) for “registered office” of “ principal office ”.
- (2) In the application of the enactments to building societies—
- (a) every reference to the officers, or to a particular officer, of a company shall have effect as a reference to the officers, or to the corresponding officer, of the building society and as including a person holding himself out as such an officer; and
- (b) every reference to an administrative receiver [<sup>F12</sup>, other than a reference in section 29(2), 72A or 251 of the Insolvency Act 1986 or in Article 5(1) or 59A of the Insolvency (Northern Ireland) Order 1989,] shall be omitted.

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#### Textual Amendments

- F8** Sch. 15A para. 2(2)(aa) inserted (1.12.2001) by [S.I. 2001/3649](#) arts. 1, 200(2)
- F9** Sch. 15A para. 2(2)(aa) inserted (17.8.2001 for certain purposes, 1.12.2001 in so far as not already in force) by [S.I. 2001/2617](#), arts. 2, 8, 13(1), **Sch. 3 Pt. II para. 210(b)** (with art. 13(3), Sch. 5); [S.I. 2001/3538](#), **art. 2**
- F10** Words in Sch. 15A para. 2(1)(a) inserted (7.4.2017) by [The Deregulation Act 2015, the Small Business, Enterprise and Employment Act 2015 and the Insolvency \(Amendment\) Act \(Northern Ireland\) 2016 \(Consequential Amendments and Transitional Provisions\) Regulations 2017 \(S.I. 2017/400\)](#), regs. 1(2), **2(4)(b)**
- F11** Words in Sch. 15A para. 2(1)(b) substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), **Sch. 8 para. 58(2)** (with Sch. 12)
- F12** Words in Sch. 15A para. 2(2)(b) inserted (with application in accordance with art. 1(4) of the amending S.I.) by [The Building Societies \(Floating Charges and Other Provisions\) Order 2016 \(S.I. 2016/679\)](#), arts. 1(1), **4(2)(b)**

- 3 (1) Where any of the enactments as applied to building societies requires a notice or other document to be sent to the <sup>F13</sup>FCA, it shall have effect as if it required the <sup>F13</sup>FCA to keep the notice or document in the public file of the society concerned and to record in that file the date on which the notice or document is placed in it.
- (2) Where any of the enactments, as so applied, refers to the registration, or to the date of registration, of such a notice or document, that enactment shall have effect as if it referred to the placing of the notice or document in the public file or (as the case may be) to the date on which it was placed there.
- [ Any reference in any of the enactments, as so applied, to the register shall have effect <sup>F14</sup>(3) as a reference to the public file.]

#### Textual Amendments

- F13** Word in Sch. 15A para. 3(1) substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), **Sch. 8 para. 58(3)** (with Sch. 12)
- F14** Sch. 15A para. 3(3) inserted (with application in accordance with art. 1(4) of the amending S.I.) by [The Building Societies \(Floating Charges and Other Provisions\) Order 2016 \(S.I. 2016/679\)](#), arts. 1(1), **4(2)(c)**

- 4 (1) Rules may be made under section 411 of the <sup>M5</sup>Insolvency Act 1986 or, as the case may be, Article 359 of the <sup>M6</sup>Insolvency (Northern Ireland) Order 1989 for the purpose of giving effect, in relation to building societies, to the provisions of the enactments.
- (2) An order made by the competent authority under section 414 of the Insolvency Act 1986 may make provision for fees to be payable under that section in respect of proceedings under the enactments and the performance by the official receiver or the Secretary of State of functions under them.
- (3) An order made by the Department of Economic Development under Article 361 of the Insolvency (Northern Ireland) Order 1989 may make provision for fees to be payable under that Article in respect of proceedings under the enactments and the performance by the official receiver or that Department of functions under them.

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**Marginal Citations**

**M5** [1986 c.45.](#)

**M6** [S.I. 1989/2405 \(N.I.19\).](#)

5 Any enactment which specifies a money sum altered by order under section 416 of the Insolvency Act 1986, or, as the case may be, Article 362 of the Insolvency (Northern Ireland) Order 1989, (powers to alter monetary limits) applies with the effect of the alteration.

[5A In this Schedule—  
“deposit” and “relevant deposit” have the meaning given by paragraph 1A of Schedule 15; and  
“scheme manager” has the same meaning as in the Financial Services and Markets Act 2000.]]

**Modifications etc. (not altering text)**

**C1** Sch. 15A para. 5A substituted (with application in accordance with art. 1(4) of the amending S.I.) by [The Building Societies \(Floating Charges and Other Provisions\) Order 2016 \(S.I. 2016/679\)](#), arts. 1(1), 4(2)(d)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(11)-(14) inserted by [2007 c. 26 s. 1\(2\)](#)
- s. 5(13)(a) substituted by [S.I. 2013/496 Sch. 8 para. 4\(4\)](#)
- s. 7(6A)-(6C) inserted by [2007 c. 26 s. 1\(1\)\(a\)](#)
- s. 7(8A) inserted by [2007 c. 26 s. 1\(1\)\(c\)](#)
- s. 176ZB excluded by [S.I. 2017/400 reg. 14](#)
- s. 246ZA-246ZC excluded by [S.I. 2017/400 reg. 15](#)
- s. 246ZD excluded by [S.I. 2017/400 reg. 16](#)