



# Building Societies Act 1986

## 1986 CHAPTER 53

### PART VI

#### POWERS OF CONTROL OF THE [F<sup>1</sup>APPROPRIATE AUTHORITY]

##### *[F<sup>1</sup>Notices, hearings and appeals]*

#### **[F<sup>1</sup>46A Notices, hearings and appeals.**

- (1) If the [F<sup>2</sup>appropriate authority] proposes—
  - (a) to give a direction to a society under section 36(3), (5), (6), (7) or (10), or
  - (b) to give a direction to a society under section 42B(1), other than a direction varying a previous direction with the agreement of the society concerned,it must give the society a warning notice.
- (2) The warning notice must set out the terms of the direction which the [F<sup>2</sup>appropriate authority] proposes to give.
- (3) If the [F<sup>2</sup>appropriate authority] decides—
  - (a) to give a direction to a society under section 36(3), (5), (6), (7) or (10), or
  - (b) to give a direction to a society under section 42B(1), other than a direction varying a previous direction with the agreement of the society concerned,it must give the society a decision notice.
- (4) The decision notice must set out the terms of the direction which the [F<sup>2</sup>appropriate authority] has decided to give.
- (5) A society to whom a decision notice is given under this section may refer the matter to the [F<sup>3</sup>Upper Tribunal].
- (6) Part XXVI of the Financial Services and Markets Act 2000 (notices) is to be treated as applying in respect of warning notices and decision notices given under this section as it applies in respect of warning notices and decision notices given under that Act, subject to subsection (8) below.

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**Changes to legislation:** *Building Societies Act 1986, Section 46A is up to date with all changes known to be in force on or before 25 April 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*

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<sup>F4</sup>(7) .....

- (8) In the application of Part XXVI of that Act in respect of warning notices and decision notices given under this section—
- (a) section 388(1)(e)(i) (which requires a decision notice to indicate any right given under that Act to refer a decision to the Tribunal) is to be read as if, for the words “this Act”, there were substituted “ the Building Societies Act 1986 ”;
  - (b) section 388(2) (which makes provision for the type of action which may be proposed in a decision notice which was preceded by a warning notice) is to be read as if, for the word “Part”, there were substituted “ section ”;
  - (c) section 390(4) (which provides for the content of a final notice about an order) is to be read as if—
    - (i) for the words “an order” there were substituted “ a direction ”, and
    - (ii) for the words “the order”, in both places where they appear, there were substituted “ the direction ”; and
  - (d) section 392 (application of sections 393 (third party rights) and 394 (access to [<sup>F2</sup>appropriate authority] material)) is to be read—
    - (i) as if paragraph (a) of that section contained a reference to a warning notice given under subsection (1) above, and
    - (ii) as if paragraph (b) of that section contained a reference to a decision notice given under subsection (3) above.]

#### Textual Amendments

- F1** S. 46A substituted (17.8.2001 for specified purposes and otherwise 1.12.2001) for ss. 46-49 by S.I. 2001/2617, arts. 2, 8, 13(1), **Sch. 3 Pt. II para. 148** (with art. 13(3), Sch. 5); S.I. 2001/3538, **art. 2(1)**
- F2** Words in s. 46A substituted (1.4.2013) by *The Financial Services Act 2012 (Mutual Societies) Order 2013* (S.I. 2013/496), art. 1(1), **Sch. 8 para. 15** (with Sch. 12)
- F3** Words in s. 46A(5) substituted (6.4.2010) by *The Transfer of Tribunal Functions Order 2010* (S.I. 2010/22), art. 1(2)(e), **Sch. 2 para. 7(a)** (with Sch. 5)
- F4** S. 46A(7) omitted (6.4.2010) by virtue of *The Transfer of Tribunal Functions Order 2010* (S.I. 2010/22), art. 1(2)(e), **Sch. 2 para. 7(b)** (with Sch. 5)

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

- C1** S. 46A(1) extended (1.12.2001) by S.I. 2001/3592, **arts. 36(2), 38(1)** (with art. 23(2))
- C2** S. 46A(8)(d)(i) excluded (1.12.2001) by S.I. 2001/3592, **arts. 36(3), 38(2)** (with art. 23(2))

**Changes to legislation:**

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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](#)