



Building Societies Act 1997

CHAPTER 32

BUILDING SOCIETIES ACT 1997

PART I

CONSTITUTION AND POWERS

- 1 Principal purpose and powers.
- 2 Membership and liability of members.
- 3 Capacity etc.
- 4 The lending limit.
- 5 Loans secured on land.
- 6 Loans fully secured on land.
- 7 Discharge of mortgages.
- 8 The funding limit.
- 9 Raising funds and borrowing.
- 10 Restrictions on certain transactions.
- 11 Restriction on creation of floating charges.
- 12 Superseded provisions of 1986 Act.

PART II

POWERS OF CONTROL OF COMMISSION

- 13 Power to direct restructuring of business etc.
- 14 Power to make prohibition orders.
- 15 Powers to petition for winding up etc.
- 16 Imposition or variation of conditions in urgent cases.
- 17 Power to direct transfers of engagements or business.
- 18 Notification and confirmation of transfer directions.
- 19 Revocation: supplementary directions.
- 20 Notification and confirmation of supplementary directions.

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

- 21 The criteria of prudent management.
- 22 Statements of principles etc. by Commission.
- 23 Rights of appeal.
- 24 Determination of appeals.

PART III

ACCOUNTABILITY TO MEMBERS

- 25 Special meeting on members' requisition.
- 26 Failure to comply with members' requisition.
- 27 Election of directors: general.
- 28 Election of directors: supplementary.
- 29 Acquisition or establishment of a business.
- 30 Information about transfers or proposed transfers of business.
- 31 Transfers of business: increased remuneration etc.

PART IV

PROTECTION OF INVESTORS AND INVESTIGATION OF COMPLAINTS

- 32 Amalgamation of building society and banking protection schemes.
- 33 Liability of insolvent society in respect of payments made by Board.
- 34 Recognised schemes for investigation of complaints.
- 35 Persons entitled to have complaints investigated.

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

- 36 Registered and business names.
- 37 Access to registers of members.
- 38 Transactions with directors and persons connected with them.
- 39 Application of certain insolvency legislation.
- 40 Abolition of priority liquidation distribution rights.
- 41 Protective provisions for specially formed successors.
- 42 Registration of charges by building societies.
- 43 Other amendments of 1986 Act.

Supplemental

- 44 Financial provisions.
- 45 Minor and consequential amendments.
- 46 Transitional provisions, savings and repeals etc.
- 47 Short title, interpretation, commencement and extent.

SCHEDULES

SCHEDULE 1 — [Part II of Schedule 2 to 1986 Act]

SCHEDULE 2 — [Schedule 2a to 1986 Act]

SCHEDULE 3 — [Schedule 7a to 1986 Act]

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

SCHEDULE 4 — [Schedule 8a to 1986 Act]

SCHEDULE 5 — Information about transfers or proposed transfers of business

Part I — [PART I OF SCHEDULE 17 TO 1986 ACT]

Issue of statement or summary to members Preliminary In this Part of
this Schedule— “prescribed matters” in relation...

Part II — [PART IA OF SCHEDULE 17 TO 1986 ACT]

Notification of proposals for transfers of business Preliminary In this
Part of this Schedule— “requisite particulars”, in relation...

SCHEDULE 6 — [Schedule 15a to 1986 Act]

SCHEDULE 7 — Other amendments of 1986 Act

The Building Societies Commission

1

Annual and other reports

2 In section 4 of the 1986 Act (annual and other...

Authorisation to raise funds and borrow money

3

The Building Societies Investor Protection Board

4

The Investor Protection Fund

5

Meaning of “insolvency” etc.

6

Payments to investors

7

Membership of insolvency committees etc

8

Liability of insolvent society in respect of payments made by Board

9

Power to obtain information

10

Voluntary schemes

11

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

	<i>Power to direct application to renew authorisation</i>
12
	<i>Imposition of conditions on current authorisation</i>
13
	<i>Revocation of authorisation</i>
14
	<i>Reauthorisation</i>
15
	<i>Powers to avoid apparent association with other bodies</i>
16	Section 51 of the 1986 Act (powers to avoid apparent...
	<i>Powers to obtain information and documents etc.</i>
17	(1) In subsection (1)(a) of section 52 of the 1986...
	<i>Right of entry to obtain information and documents</i>
18
	<i>Confidentiality of information obtained by Commission</i>
19
	<i>Information disclosed to Commission from other sources</i>
20
	<i>Investigations on behalf of Commission</i>
21	In subsection (2) of section 55 of the 1986 Act...
	<i>Inspections and special meetings: general</i>
22	(1) In subsection (1) of section 56 of the 1986...
	<i>Inspections: supplementary provisions</i>
23	In subsection (1) of section 57 of the 1986 Act...
	<i>Restrictions on loans etc. to directors</i>
24	(1) In subsection (1) of section 65 of the 1986...
	<i>Directors etc. not to accept commissions in connection with loans</i>
25	(1) In subsection (1) of section 67 of the 1986...
	<i>Records of loans etc. for directors</i>
26	In subsection (6) of section 68 of the 1986 Act...

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

Records of income of related businesses

27 (1) In subsection (2) of section 69 of the 1986...

Interpretation of Part VII

28 In subsection (3)(a) of section 70 of the 1986 Act...

Accounting records and systems of business control etc.

29 (1) In subsection (3)(c) of section 71 of the 1986...

Contents and form of annual accounts

30 In subsection (8)(c) of section 73 of the 1986 Act...

Duty of directors to prepare annual business statement

31 In subsection (2) of section 74 of the 1986 Act...

Directors' report

32 (1) In subsection (1) of section 75 (directors' report)—

Summary financial statement for members and depositors

33 (1) In subsection (2) of section 76 of the 1986...

Auditor's report and powers

34 (1) In subsection (4) of section 79 of the 1986...

Auditor's duties to Commission and related rights

35

Investigation of complaints: supplementary provisions

36

Settlement of disputes

37 In subsection (1) of section 85 of the 1986 Act...

Dissolution by consent

38 In subsection (8) of section 87 of the 1986 Act...

Winding up: grounds and petitioners

39 In subsection (4) of section 89 of the 1986 Act...

Winding up or dissolution: supplementary

40 For section 92 of the 1986 Act there shall be...

Amalgamations

41 In subsection (2) of section 93 of the 1986 Act...

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

Transfer of engagements

42 In subsections (2), (4) and (5) of section 94 of...

Mergers: provisions supplementing sections 93 and 94

43 (1) In subsection (3) of section 95 of the 1986...

Mergers: compensation for loss of office etc.

44 (1) In subsection (1) of section 96 (mergers: compensation for...

Transfer of business to commercial company

45 (1) In subsection (2) of section 97 of the 1986...

Regulated terms: compensation for loss of office etc.

46 In subsection (6) of section 99 of the 1986 Act...

Distribution and share rights

47 In subsection (4) of section 100 of the 1986 Act...

Power to amend etc. to assimilate to company law

48 In subsection (2) of section 104 of the 1986 Act...

Limited power to anticipate future statutory instrument powers

49 Section 105 of the 1986 Act (limited power to anticipate...

Power to require building society to change misleading name

50 Section 108 of the 1986 Act (power to require building...

Offences: liability of officers etc.

51

Qualifying asset holding for certain powers

52 Section 118 of the 1986 Act (qualifying asset holding for...

Interpretation

53 (1) In subsection (1) of section 119 of the 1986...

Northern Ireland

54 In subsection (1) of section 122 of the 1986 Act...

The Commission

55

Establishment, incorporation and constitution

56 (1) Part I of Schedule 2 to the 1986 Act...

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

Meetings, resolutions and postal ballots

57 (1) Part III of Schedule 2 to the 1986 Act...

The Building Societies Investor Protection Board

58

Directors: requisite particulars of restricted transactions

59 In paragraph 2(2)(c) of Schedule 9 to the 1986 Act...

Requisite particulars of income of related business

60 (1) In paragraphs 1 to 8 of Schedule 10 to...

Auditors: appointment, tenure and qualifications

61 In paragraph 5 of Schedule 11 to the 1986 Act...

Schemes for investigation of complaints

62

Recognition etc. of schemes for investigation of complaints

63

Settlement of disputes

64 (1) In paragraph 1(4) of Schedule 14 to the 1986...

Application of companies winding up legislation to building societies

65 In paragraph 3(2) of Schedule 15 to the 1986 Act...

Mergers: supplementary provisions

66 (1) In paragraph 1 of Schedule 16 to the 1986...

Transitional and saving provisions

67 In Schedule 20 to the 1986 Act (transitional and saving...

SCHEDULE 8 — Transitional provisions and savings

Alterations of purpose, powers and rules

1

2

Default powers

3

Existing members to whom advances have been made

4 (1) Nothing in section 2 of this Act shall affect...

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

Existing borrowing members which are corporations

- 5 Nothing in section 2 of this Act shall affect the...

Existing fully secured loans

- 6 (1) Subject to subsection (7) of section 6B of the...

Existing shareholders

- 7 Unless the contrary is shown, a building society may assume...

Existing depositors and shareholders

- 8 (1) Nothing in section 9 of this Act shall affect...

Existing transfer statements referring to the abolition of priority liquidation distribution rights

- 9 (1) Where before the commencement of section 40 of this...

Existing specially formed successor companies

- 10 (1) This paragraph applies where before the passing of this...

SCHEDULE 9 — Repeals and revocations

Changes to legislation:

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