



Dormant Bank and Building Society Accounts Act 2008

2008 CHAPTER 31

PART 1

TRANSFER OF BALANCES IN DORMANT ACCOUNTS

Reclaim funds

5 Functions etc of a reclaim fund

- (1) A “reclaim fund” is a company the objects of which are restricted by its articles of association to the following—
 - (a) the meeting of repayment claims;
 - (b) the management of dormant account funds in such a way as to enable the company to meet whatever repayment claims it is prudent to anticipate;
 - (c) the transfer of money to the body or bodies for the time being specified in section 16(1), subject to the need for the company—
 - (i) to have access at any given time to enough money to meet whatever repayment claims it is prudent to anticipate,
 - (ii) to comply with any requirement with regard to its financial resources that is imposed on it by or under any enactment, and
 - (iii) to defray its expenses;
 - (d) objects that are incidental or conducive to, or otherwise connected with, any of the above (including in particular the prudent investment of dormant account funds).
- (2) Schedule 1 makes further provision about provision that must be made in the articles of association of a reclaim fund.
- (3) An alteration by a reclaim fund of its articles of association is ineffective if it would result in—

Status: This is the original version (as it was originally enacted).

- (a) the company ceasing to have objects restricted to those mentioned in subsection (1);
 - (b) the company's articles of association not containing any provision that they are required to make under Schedule 1.
- (4) The Treasury may give a direction to a reclaim fund requiring it—
- (a) to give effect to any specified object that it has, or
 - (b) to comply with any specified obligation or prohibition imposed on it by a provision that its articles of association are required to make under Schedule 1.
- “Specified” means specified in the direction.
- (5) The Treasury shall lay before Parliament a copy of any direction given under subsection (4).
- (6) In this section—
- “company” has the meaning given by section 1(1) of the Companies Act 2006 (c. 46);
 - “dormant account funds” means money paid to a reclaim fund by banks and by building societies in respect of dormant accounts;
 - “repayment claims” means claims made by virtue of section 1(2)(b) or 2(2)(b).