



Banking Act 2009

2009 CHAPTER 1

PART 7

MISCELLANEOUS

Central banks

251 Financial assistance to building societies

- (1) The Treasury may by order modify the Building Societies Act 1986 for the purpose of facilitating, or in connection with, the provision of financial assistance to building societies by—
 - (a) the Treasury,
 - (b) the Bank of England,
 - (c) another central bank of a Member State of the European Economic Area, or
 - (d) the European Central Bank.
- (2) An order may affect any provision of the Building Societies Act 1986 which appears to the Treasury otherwise capable of preventing, impeding or affecting the provision of financial assistance; including, in particular, provision—
 - (a) about the establishment, constitution or powers of building societies,
 - (b) restricting or otherwise dealing with raising funds or borrowing,
 - (c) restricting or otherwise dealing with what may be done by or in relation to building societies,
 - (d) about security, or
 - (e) about the application of insolvency law or other legislation relating to companies.
- (3) An order—
 - (a) may disapply or modify a provision;
 - (b) may (but need not) take the form of textual amendment.

Status: This is the original version (as it was originally enacted).

- (4) Incidental provision of an order (included in reliance on section 259(1)(c)) may, in particular—
- (a) impose conditions, limits or other restrictions on what may be done in reliance on a provision of the order;
 - (b) confer a discretion on the Treasury, the Bank of England or another person or class of person.
- (5) Incidental or consequential provision of an order (included in reliance on section 259(1)(c)) may disapply or modify an enactment, whether by textual amendment or otherwise.
- (6) An order—
- (a) shall be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (7) The Treasury may by order create exceptions to or otherwise modify the effect of section 9B of the Building Societies Act 1986 (restriction on creation of floating charges); and—
- (a) the Treasury may make an order only if they think it is likely to help building societies to use, give effect to or take advantage of financial assistance of the kind specified in subsection (1),
 - (b) an order may have effect in relation to transactions between building societies and persons not listed in subsection (1),
 - (c) an order shall be made by statutory instrument, and
 - (d) an order may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (8) In this section, “financial assistance” has the meaning given by section 257.