

---

STATUTORY INSTRUMENTS

---

**1997 No. 2840**

**BUILDING SOCIETIES**

**The Building Societies (Members' Resolutions) Order 1997**

*Made* - - - - 27th November 1997  
*Laid before Parliament* 1st December 1997  
*Coming into force* - - 1st January 1998

The Building Societies Commission, in exercise of the powers conferred upon it by paragraph 32(4) and (6) of Schedule 2 to the Building Societies Act 1986(1), and of all other powers enabling it in that behalf, hereby makes the following Order:—

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Building Societies (Members' Resolutions) Order 1997 and shall come into force on 1st January 1998.

(2) In this Order “the 1986 Act” means the Building Societies Act 1986 and “the 1997 Act” means the Building Societies Act 1997(2).

**Amendment of the 1986 Act**

2.—(1) The 1986 Act shall be amended in accordance with this Article.

(2) For sub-paragraph (i) of paragraph 31(2)(a) of Schedule 2 to the 1986 Act, there shall be substituted the following sub-paragraph—

“(i) in the case of a society in relation to which the difference between the total assets of the society as shown in the accounts last prepared by it under section 72 immediately before the date on which the members gave notice to the society under sub-paragraph (1) above and the aggregate of—

(aa) the liquid assets of the society as shown in those accounts in pursuance of regulations under section 73(7); and

(bb) the fixed assets of the society as so shown,

exceeds £100 million, is fifty or such lesser number as is specified for the purpose in the rules of the society, and”.

---

(1) 1986 c. 53.  
(2) 1997 c. 32.

(3) For sub-paragraphs (a) and (b) of paragraph 31(3) of Schedule 2 to the 1986 Act there shall be substituted the following sub-paragraphs—

- “(a) to have been a member for more than two years ending with the qualifying date; or
- (b) if he claims eligibility as a shareholding member, to hold, or to have held at any time, shares in the society to a value greater than the prescribed amount in force on the qualifying date; or
- (c) if he claims eligibility as a borrowing member, to owe to the society, or to have owed to the society at any time, a mortgage debt of an amount greater than the prescribed amount in force on the qualifying date;”.

### **Transitional provisions**

3. Where—

- (a) the members of a society give notice to it under paragraph 31(1) of Schedule 2 to the 1986 Act of their intention to have moved on their behalf a resolution at an annual general meeting of the society, and
- (b) at the date on which the notice is given to the society the provisions of the 1997 Act specified in Part II of the Schedule to the Building Societies Act 1997 (Commencement No. 3) Order 1997(3) have not yet come into force in accordance with Article 2 of the Order in relation to the society, then

sub-paragraph (i) of paragraph 31(2)(a) and sub-paragraphs (a) and (b) of paragraph 31(3) of Schedule 2 to the 1986 Act shall have effect in relation to that society as if they had not been amended by this Order.

In witness whereof the common seal of the Building Societies Commission is hereunto affixed on the

L.S.

27th November 1997.

*G. S. Johnson*  
Secretary to the Commission

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the provisions of the Building Societies Act 1986 governing the right of members to propose and circulate resolutions at annual general meetings consequent upon the amendments to that Act made by the Building Societies Act 1997.