

## SCHEDULE 1

Modified application of Parts 2 and 3 of the Banking Act 2009 to building societies

### PART 3

Modified application of Part 3 of the 2009 Act

#### **No more assets for distribution**

**30.**—(1) This paragraph makes provision equivalent to paragraph 84 of Schedule B1 to the Insolvency Act 1986 (termination: no more assets for distribution).

(2) A building society special administrator who thinks that the building society has no property which might permit a distribution to its creditors and shareholding members must send a notice to that effect to the FSA.

(3) The court may on the application of the building society special administrator disapply sub-paragraph (2) in respect of the building society.

(4) On receipt of a notice under sub-paragraph (2) the FSA must place it on the public file of the building society and record in that file the date on which it was placed there.

(5) The appointment of the building society special administrator ceases to have effect on the date on which the notice under sub-paragraph (2) is placed in the public file of the society.

(6) A building society special administrator who sends a notice under sub-paragraph (2) must as soon as is reasonably practicable—

- (a) file a copy of the notice with the court, and
- (b) send a copy of the notice to each creditor and shareholding member whose address is known.

(7) The building society is dissolved at the end of the period of three months beginning with the date on which the notice under sub-paragraph (2) was placed in its public file.

(8) On an application in respect of a building society by the building society special administrator or another interested person the court may—

- (a) extend the period specified in sub-paragraph (7),
- (b) suspend that period, or
- (c) disapply sub-paragraph (7).

(9) Where an order is made under sub-paragraph (8) in respect of a building society the building society special administrator shall as soon as is reasonably practicable notify the FSA.

(10) A building society special administrator who fails without reasonable excuse to comply with sub-paragraph (6) commits an offence.

(11) An offence under sub-paragraph (10) shall be treated for all purposes as an offence under paragraph 84(9) of Schedule B1 to the Insolvency Act 1986.