

---

STATUTORY INSTRUMENTS

---

**2009 No. 806**

**The Building Society Special  
Administration (Scotland) Rules 2009**

**PART 2**

**Application for Building Society Special Administration Order**

**Introduction**

**8.** This Part makes specific provision for a number of aspects of applications for building society special administration orders. Part 4 applies a number of provisions of the 1986 Rules to applications for building society special administration orders (with specified modifications).

**Content of application**

**9.** An application by the Bank of England for a building society special administration order in respect of a building society must specify—

- (a) the registered name of the society;
- (b) any other trading names of the society;
- (c) the address of the society's principal office;
- (d) an email address for the society;
- (e) the address of the Bank of England; and
- (f) the identity of the person (or persons) nominated for appointment as building society special administrator.

**10.** If the building society has notified the Bank of England of an address for service which is, because of special circumstances, to be used in place of the principal office, that address shall be specified under rule 9(c).

**Statement of proposed building society special administrator**

**11.** An application must be accompanied by a statement by each proposed building society special administrator—

- (a) specifying the name and address of the person proposed to be appointed;
- (b) giving that person's consent to act;
- (c) giving details of that person's qualification to act as an insolvency practitioner; and
- (d) giving details of any prior professional relationship that person (or any other proposed special administrator) has had with the building society.

**Lodging**

**12.** The application, and its accompanying documents, must be lodged with the court.

### **Notification**

**13.** The Bank of England shall give notice of the application to—

- (a) the building society;
- (b) the FSA;
- (c) the person (or each of the persons) nominated for appointment as special administrator;
- (d) any person whom the Bank of England knows to be entitled to appoint a receiver of the whole (or substantially the whole) of the society's property;
- (e) any person who has given notice to the FSA in respect of the society under section 90D of the Building Societies Act (notice to the Authority of preliminary steps)(**1**);
- (f) each transferee referred to in any property transfer instrument made or to be made under section 11(2)(b) of the Banking Act (transfer to commercial purchaser);
- (g) any enforcement officer or other officer whom the Bank of England knows to be charged with effecting an execution, any diligence or other legal process against the building society or its property; and
- (h) any person whom the Bank of England knows to have executed diligence against the society or its property.

**14.** Notice of the application must be given under rule 13 as soon as is reasonably practicable after lodging the application.

### **Notice of order**

**15.** If the court makes a building society special administration order, it shall send four certified copies of it to the Bank of England.

**16.** The Bank of England shall as soon as is reasonably practicable send—

- (a) one certified copy to the building society special administrator;
- (b) one certified copy to the FSA; and
- (c) one certified copy to the FSCS.

### **Expenses**

**17.** If the court makes a building society special administration order, the following are payable as an expense of the special administration:—

- (a) the Bank of England's expenses of making the application and complying with the requirements of these Rules; and
- (b) any other expenses allowed by the court.

---

(1) Section 90D was inserted by the Building Societies (Insolvency and Special Administration) Order 2009.