
STATUTORY INSTRUMENTS

2014 No. 3344

The Building Societies (Bail-in) Order 2014

Amendment to Building Societies Act 1986

4.—(1) Section 90D of the Building Societies Act 1986(1) (notice to the FCA and the PRA) is amended as follows.

(2) In subsection (5) after “FCA” insert “, the Bank of England”.

(3) In subsection (7)—

(a) in paragraph (a), for “2 weeks” substitute “7 days”;

(b) for paragraph (b) substitute—

“(b) both—

(i) the Bank of England has informed the person who gave the notice that it does not intend to exercise a stabilisation power under Part 1 of the Banking Act 2009 in relation to the building society (and condition 5 has been met, if applicable), and

(ii) each of the PRA and the Bank of England has informed the person who gave the notice that it does not intend to apply for a building society insolvency order (under section 95 of the Banking Act 2009(2) as applied by section 90C(3)).”.

(4) After subsection (8) insert—

“(8A) Condition 5—

(a) applies only if a resolution instrument has been made under section 12A of the Banking Act 2009 with respect to the building society in the three months ending with the date on which the Bank of England receives the notification under Condition 1, and

(b) is that the Bank of England has informed the person who gave the notice that it consents to the insolvency procedure to which the notice relates going ahead.”.

(5) In subsection (10)—

(a) for “the PRA receives notice under Condition 1” substitute “notice has been given under Condition 1”;

(b) omit paragraph (a);

(c) omit the “and” at the end of paragraph (b);

(d) after paragraph (c) insert—

“; and

(1) Section 90D was inserted by [S.I. 2009/805](#) and amended by [S.I. 2013/496](#).

(2) Section 95 was amended by paragraph 32 of Schedule 17 to the Financial Services Act 2012.

(3) Section 90C was inserted by [S.I. 2009/805](#).

- (d) if Condition 5 applies, the Bank of England must, within the period in Condition 3(a), inform the person who gave the notice whether or not it consents to the insolvency procedure to which the notice relates going ahead.”.
- (6) In subsection (11)—
 - (a) for “the FCA receives notice under Condition 1” substitute “notice has been received under Condition 1”;
 - (b) omit paragraph (a);
 - (c) after paragraph (b) insert—
 - “; and
 - (c) if Condition 5 applies, the Bank of England must, within the period in Condition 3(a), inform the person who gave the notice whether or not it consents to the insolvency procedure to which the notice relates going ahead.”.
- (7) After subsection (11) insert—
 - “(12) References in this section to the insolvency procedure to which the notice relates are to the procedure for the determination, resolution or appointment in question (see subsections (1) to (4)).”.