
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 417

**Act of Sederunt (Rules of the Court of Session
Amendment No. 5) (Miscellaneous) 2010**

Building society insolvency procedure etc.

- 4.—(1) The Rules are amended in accordance with the following subparagraphs.
- (2) In rule 5.1A (further restriction as to caveats)(1), for paragraph (2) substitute—
- “(2) A caveat shall not be lodged against an order for intimation, service and advertisement of a petition for—
- (a) a bank insolvency order under rule 74.35;
 - (b) a bank administration order under rule 74.45;
 - (c) a building society special administration order under rule 74.51; or
 - (d) a building society insolvency order under rule 74.52.”.

(3) In rule 33.9 (insolvency or death of cautioner or guarantor)(2), for paragraph (d)(i) substitute—

“(i) an administration order, bank administration order, building society special administration order, winding up order, bank insolvency order or building society insolvency order has been made, or a resolution for a voluntary winding up has been passed, with respect to it.”.

(4) In rule 74.47 (provisional bank administrator)(3), in paragraph (4)(b), omit “and to such other persons as are specified in rule 32 of the Bank Administration Rules (appointment of provisional bank administrator)”.

(5) In rule 74.51 (application of rules to building society special administration procedure)(4)—

 - (a) in paragraph (3)(c) for “section 90C” substitute “sections 84 and 90C”; and
 - (b) in paragraph (4), omit—

“rule 5.1A (further restriction as to caveats),
rule 33.9 (insolvency or death of cautioner or grantor),”.

(6) After Part IX of Chapter 74 (building society special administration procedure)(5), insert—

(1) Rule 5.1A was inserted by [S.S.I. 2001/92](#) and amended by [S.S.I. 2009/63](#).
(2) Rule 33.9 was amended by [S.S.I. 2009/63](#).
(3) Rule 74.47 was inserted by [S.S.I. 2009/63](#).
(4) Rule 74.51 was inserted by [S.S.I. 2009/135](#).
(5) Part IX of Chapter 74 was inserted by [S.S.I. 2009/135](#).

“PART X

BUILDING SOCIETY INSOLVENCY PROCEDURE

Application of rules to building society insolvency

74.52.—(1) Subject to paragraph (3), Part VII of this Chapter applies to an application mentioned in paragraph (2) as it applies to an application for a bank insolvency order.

(2) An application referred to in paragraph (1) is an application for a building society insolvency order under the Act of 2009, as that Act is applied and modified by section 90C of the Building Societies Act 1986⁽⁶⁾ and the Building Societies (Insolvency and Special Administration) Order 2009⁽⁷⁾.

(3) In the application of Part VII of this Chapter under paragraph (1)—

- (a) references to the Bank Insolvency Rules shall be read as references to the Building Society Insolvency (Scotland) Rules 2010⁽⁸⁾;
- (b) references to a rule in the Bank Insolvency Rules shall be read as references to the corresponding rule in the Building Society Insolvency (Scotland) Rules 2010;
- (c) references to the Act of 2009 shall be read as references to the Act of 2009, as applied and modified by section 90C of the Building Societies Act 1986 and the Building Societies (Insolvency and Special Administration) Order 2009; and references to specific provisions in the Act of 2009 shall be read accordingly;
- (d) references to any Part or provision of the Act of 1986 that is not applied by Part 2 of the Act of 2009 shall be read as references to that Part or provision as applied and modified by section 90A of, and Schedule 15A to, the Building Societies Act 1986⁽⁹⁾;
- (e) references to “bank” shall be read as references to “building society”;
- (f) references to “bank administration” shall be read as references to “building society special administration”;
- (g) references to “bank administrator” shall be read as references to “building society special administrator”;
- (h) references to “bank insolvency order” shall be read as references to “building society insolvency order”;
- (i) references to “bank liquidator” shall be read as references to “building society liquidator”;
- (j) rule 74.36(1)(a)(iv) (intimation, service and advertisement) shall be disregarded; and
- (k) in rule 74.36(1)(a)(vii), the reference to “section 120 of the Act of 2009” shall be read as a reference to “section 90D of the Building Societies Act 1986⁽¹⁰⁾”.

(4) The following rules shall, with the necessary modifications, apply in relation to building society insolvency procedure as they apply in relation to bank insolvency procedure:—

- rule 74.1 (application and interpretation of Chapter 74),
- rule 74.2 (proceedings before insolvency judge),
- rule 74.3 (notices and reports etc. sent to the court)..”.

⁽⁶⁾ 1986 c.53. Section 90C was inserted by S.I. 2009/805.

⁽⁷⁾ S.I. 2009/805, as amended by S.I. 2010/1189.

⁽⁸⁾ S.I. 2010/2584.

⁽⁹⁾ Section 90A and Schedule 15A were inserted by the Building Societies Act 1997 c.32, section 39.

⁽¹⁰⁾ Section 90D was inserted by S.I. 2009/805.

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