



# Building Societies Act 1986

## 1986 CHAPTER 53

### PART VI

#### POWERS OF CONTROL OF THE <sup>[F<sup>1</sup>]</sup>APPROPRIATE AUTHORITY]

<sup>F<sup>1</sup></sup>*[Powers in relation to principal purpose and nature limits]*

#### <sup>[F<sup>1</sup>]</sup>37 Powers to petition for winding up etc.

(1) Where—

- (a) by virtue of section 36(13) the powers conferred by this section become exercisable in relation to a building society;
- (b) by virtue of section 36A(12) the power conferred by this subsection becomes so exercisable; or
- (c) the <sup>[F<sup>2</sup>]</sup>appropriate authority] has reason to believe that a building society has ceased to comply with the requirement imposed by section 5(1)(a) (purpose or principal purpose),

the <sup>[F<sup>2</sup>]</sup>appropriate authority] may present a petition to the High Court for the winding up of the society under the applicable winding up legislation; and the power conferred by this subsection is available to the <sup>[F<sup>2</sup>]</sup>appropriate authority] whether or not it has previously presented a petition.

(2) Where by virtue of section 36(13) the powers conferred by this section become exercisable in relation to a building society, the <sup>[F<sup>2</sup>]</sup>appropriate authority] may make an application to the High Court for an order giving directions to the society under subsection (3) below; and the power conferred by this subsection is available to the <sup>[F<sup>2</sup>]</sup>appropriate authority] whether or not it has previously made an application for such an order.

(3) An order under this subsection is an order directing the society to comply with a direction under subsection (3), (5), (6), (7) or (10) of section 36 as directed in the order, or to carry out a restructuring plan as so directed.

<sup>[F<sup>3</sup>]</sup>(4) Where the High Court makes an order under subsection (3)—

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**Changes to legislation:** *Building Societies Act 1986, Section 37 is up to date with all changes known to be in force on or before 28 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) if the appropriate authority is the PRA, it must give a copy of the order to the FCA; and
  - (b) in any case, the FCA must keep a copy of the order in the public file of the society.]
- (5) The High Court shall not make an order winding up the society on an application under subsection (1)(c) above unless it is satisfied that the society has ceased to comply with the requirement imposed by section 5(1)(a).
- (6) In the application of this section to a building society whose principal office is in Scotland, references to the High Court shall be read as references to the Court of Session.]

#### **Textual Amendments**

- F1** S. 37 substituted (1.12.1997 in specified cases and for specified purposes and otherwise in accordance with art. 2(2)(3)(5) of S.I. 1997/2668) by 1997 c. 32, **ss. 15**, 47(3); S.I. 1997/2668, art. 2, **Sch. Pt. II(m)**
- F2** Word in s. 37(1)(2) substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), **Sch. 8 para. 12(2)** (with Sch. 12)
- F3** S. 37(4) substituted (1.4.2013) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2013 \(S.I. 2013/496\)](#), art. 1(1), **Sch. 8 para. 12(3)** (with Sch. 12)

#### **Modifications etc. (not altering text)**

- C1** S. 37 restricted (7.4.2010) by [The Building Societies \(Financial Assistance\) Order 2010 \(S.I. 2010/1188\)](#), arts. 1(2), **3(3)**, 4(3)
- C2** S. 37(1) modified (7.4.2010) by [The Building Societies \(Financial Assistance\) Order 2010 \(S.I. 2010/1188\)](#), arts. 1(2), **3(4)**, 4(4)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(11)-(14) inserted by [2007 c. 26 s. 1\(2\)](#)
- s. 5(13)(a) substituted by [S.I. 2013/496 Sch. 8 para. 4\(4\)](#)
- s. 7(6A)-(6C) inserted by [2007 c. 26 s. 1\(1\)\(a\)](#)
- s. 7(8A) inserted by [2007 c. 26 s. 1\(1\)\(c\)](#)
- s. 176ZB excluded by [S.I. 2017/400 reg. 14](#)
- s. 246ZA-246ZC excluded by [S.I. 2017/400 reg. 15](#)
- s. 246ZD excluded by [S.I. 2017/400 reg. 16](#)