

SCHEDULES

SCHEDULE 1

Section 32(3)

MINOR AND CONSEQUENTIAL AMENDMENTS

Building Societies (Accounts and Related Provisions) Regulations 1998 (SI 1998/504)

- 1 In paragraph 4(2A) of Schedule 8 (directors' report) to the Building Societies (Accounts and Related Provisions) Regulations 1998, after "2008" insert "or a transfer required by section 2A(8) of that Act".

Financial Services and Markets Act 2000 (c. 8)

- 2 (1) Part 24 of FSMA 2000 (insolvency) is amended as follows.
- (2) In section 359 (administration order), in the definition of "authorised reclaim fund" in subsection (4), for the words from "means" to the end substitute "has the same meaning as in the Dormant Assets Acts 2008 to 2022 (see section 26 of the Dormant Assets Act 2022);".
- (3) In section 369A (reclaim funds: service of petition etc on FCA and PRA), in subsection (3) for the words from "means" to the end substitute "has the same meaning as in the Dormant Assets Acts 2008 to 2022 (see section 26 of the Dormant Assets Act 2022)".

Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (SI 2001/544)

- 3 (1) Article 63N of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (activities of reclaim funds) is amended as follows.
- (2) In paragraph (1)—
- (a) in sub-paragraph (b) for "account" substitute "assets", and
- (b) after sub-paragraph (b) insert ";
- (c) dealing with unwanted asset money."
- (3) In paragraph (2)—
- (a) omit the first entry;
- (b) after that entry insert—
- ““dealing with unwanted asset money” means—
- (a) the acceptance of transfers of amounts as mentioned in section 21(2)(b) of the Dormant Assets Act 2022, and
- (b) dealing with those funds (so far as they are not needed for either of the purposes mentioned in section 5(1)(c)(ii) or (iii) of the Dormant Bank and Building Society Accounts Act 2008) with a view to their transfer to the body or bodies for the time being specified in section 16 of the Dormant Bank and Building Society Accounts Act 2008;”;

Status: This is the original version (as it was originally enacted).

- (c) in the second entry, for ““dormant account funds”” substitute ““dormant assets funds”, “reclaim fund””;
- (d) in the third entry for the words from the beginning to “balance, and” substitute—
 - ““management of dormant assets funds” means—
 - (a) the acceptance of transfers of amounts as mentioned in section 1(1)(a) or 2(1)(a) of the Dormant Bank and Building Society Accounts Act 2008 or 2(1)(a), 5(1)(a), 8(1)(a), 12(1)(a) or 14(1)(a) of the Dormant Assets Act 2022,”;
 - (b) ”;
- (e) at the end of that entry insert “, and
 - (c) dealing with those funds with a view to the transfer of amounts to the body or bodies for the time being specified in section 16 of the Dormant Bank and Building Society Accounts Act 2008.”

Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)

- 4 In regulation 33 of the Open-Ended Investment Companies Regulations 2001 (winding-up otherwise than by court), after paragraph (5) insert—
- “(6) The duty to deal with a sum of money in accordance with paragraph (4) or (5) does not apply if (or to the extent that) it is transferred to an authorised reclaim fund as orphan monies attributable to a collective scheme investment by virtue of sections 8 to 10 of the Dormant Assets Act 2022 (transfer of eligible amount owing by virtue of a collective scheme investment).”

Dormant Bank and Building Society Accounts Act 2008 (c. 31)

- 5 The 2008 Act is amended as follows.
- 6 (1) In section 1 (transfer of balances to reclaim fund), after subsection (2) insert—
- “(2A) A transfer of the balance of a dormant account as mentioned in subsection (1) does not itself—
- (a) constitute a breach of trust or fiduciary duty affecting the balance, or
 - (b) give rise to any other liability of any kind (whether against the transferring bank or building society, the reclaim fund or any other person involved), other than the liability of the reclaim fund arising by virtue of subsection (2)(b).”
- (2) The amendment made by sub-paragraph (1) does not apply in relation to a transfer made before it comes into force.
- 7 (1) In section 2 (transfer of balances to charities, with proportion to reclaim fund), after subsection (6) insert—
- “(7) A transfer of an amount to an authorised reclaim fund and to one or more charities as mentioned in subsection (1) does not itself—
- (a) constitute a breach of trust or fiduciary duty affecting the amount owing, or
 - (b) give rise to any other liability of any kind (whether against the transferring bank or building society, the reclaim fund, any charity

Status: This is the original version (as it was originally enacted).

- concerned or any other person involved), other than the liability of the reclaim fund arising under subsection (2)(b).”
- (2) The amendment made by sub-paragraph (1) does not apply in relation to a transfer made before it comes into force.
- 8 (1) Section 5 (objects of a reclaim fund) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b) for “dormant account funds” substitute “dormant assets funds”;
- (b) in paragraph (c) after “of money” insert “(other than money subject to paragraph (ca) or (cb))”;
- (c) after paragraph (c) insert—
- “(ca) the transfer to the body or bodies for the time being specified in section 16(1) of money derived from amounts transferred to the company by virtue of section 21(2)(b) of the Dormant Assets Act 2022, except in so far as any of it is needed for the purpose mentioned in paragraph (c)(ii) or (iii);
- (cb) the transfer of money in accordance with section 2A(6) or (7);”;
- (d) in paragraph (d) for “dormant account funds” substitute “dormant assets funds”.
- (3) In subsection (6)—
- (a) for the definition of “dormant account funds” substitute—
- ““dormant assets funds” means money transferred to a reclaim fund by virtue of section 1(1)(a) or 2(1)(a) above or section 2(1)(a), 5(1)(a), 8(1)(a), 12(1)(a) or 14(1)(a) of the Dormant Assets Act 2022 (and includes money or other assets derived from money so transferred);”;
- (b) in the definition of “repayment claims” at the end insert “above or section 2(2)(b), 5(2)(b) or (3)(b), 8(2)(b), 12(2)(b) or 14(2)(b) of the Dormant Assets Act 2022.”
- 9 In section 6 (interpretation of Part 1)—
- (a) omit the definition of “authorised”;
- (b) after ““dormant”” insert “(except in the term “dormant assets funds”)”;
- (c) after the definition of “reclaim fund” insert—
- ““transfers”, in relation to the balance of a dormant account, includes bringing about the transfer of the balance.”
- 10 In section 13 (banks making section 2 transfers: information in directors reports), in subsection (1)(b), at the end insert “or a transfer required by section 2A(8)”.
- 11 For the heading to Part 2 substitute “DISTRIBUTION OF DORMANT ASSETS MONEY”.
- 12 (1) In—
- (a) the headings to sections 16 and 17, and
- (b) sections 16(1) and (6), 17(3), 18(1), 19(1), 20(1), 21(1), 23(1) and 26(1) to (3),
- for “dormant account” substitute “dormant assets”.

Status: This is the original version (as it was originally enacted).

- (2) In sections 16(2) and 27(1) for ““dormant account money”” substitute ““dormant assets money””.
- (3) In Schedule 3 (further provision about functions of Big Lottery Fund)—
- (a) for “dormant account money” (wherever it appears, including in headings) substitute “dormant assets money”;
 - (b) in paragraph 5(1), (5) and (6), for “dormant account functions” substitute “dormant assets functions”;
 - (c) in paragraph 6(1) for ““dormant account functions”” substitute ““dormant assets functions””.
- 13 In section 16 (distribution of dormant assets money by Big Lottery Fund) in subsection (2)—
- (a) for “the object” substitute “any of the objects”;
 - (b) after “5(1)(c)” insert “to (cb)”.
- 14 In section 24 (power to add or remove distributors), in subsection (4)—
- (a) for “the object” substitute “any of the objects”;
 - (b) after “5(1)(c)” insert “to (cb)”.
- 15 In section 26 (expenses), in subsections (3)(b), (6), (8) and (10) after “this Act” insert “or the Dormant Assets Act 2022”.
- 16 (1) Schedule 1 (provision to be made in articles of association of reclaim fund) is amended as follows.
- (2) Before paragraph 1 insert—

“Assistance to government departments in connection with dormant or unwanted assets

- A1 The articles of association of a reclaim fund must make provision for the objects mentioned in paragraph (d) of section 5(1) (objects incidental or conducive to anything mentioned in paragraphs (a) to (cb)) to include the provision to government departments of information, advice or other assistance in connection with—
- (a) the development of proposals for—
 - (i) expanding the dormant assets scheme to cover new classes of asset,
 - (ii) modifying this Act or the Dormant Assets Act 2022, or
 - (iii) implementing provisions of this Act, the Dormant Assets Act 2022 or any subordinate legislation made under either of those Acts;
 - (b) the operation of—
 - (i) the dormant assets scheme,
 - (ii) the alternative scheme under section 2 of this Act, or
 - (iii) section 21 of the Dormant Assets Act 2022 (unwanted assets).”
- (3) In paragraph 3 (information to be published after the end of each financial year of a reclaim fund) —

Status: This is the original version (as it was originally enacted).

- (a) in sub-paragraph (1)(b) for “bank and building society” substitute “institution participating in the dormant assets scheme”;
- (b) in sub-paragraph (1)(c)—
 - (i) for “bank and building society” substitute “institution”;
 - (ii) for “accounts” substitute “transfers to the reclaim fund”;
 - (iii) for “of those banks and building societies” substitute “institution”;
- (c) in sub-paragraph (2)(a) at the end insert “above or section 2(2)(b), 5(2)(b) or (3)(b), 8(2)(b), 12(2)(b) or 14(2)(b) of the Dormant Assets Act 2022”;
- (d) in sub-paragraph (2) for paragraph (b) substitute—
 - “(b) where a transfer of an amount to the reclaim fund was made as part of a business currently carried on by another institution (“the successor”), the transfer is to be treated as having been made by the successor.”

Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009 (SI 2009/317)

- 17 In the Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009, omit article 7 (Dormant Bank and Building Society Accounts Act 2008).

Distribution of Dormant Account Money (Apportionment) Order 2011 (SI 2011/1799)

- 18 In article 2 of the Distribution of Dormant Account Money (Apportionment) Order 2011 (interpretation), for “dormant account money” substitute “dormant assets money”.