
STATUTORY INSTRUMENTS

2009 No. 814

The Amendments to Law (Resolution of
Dunfermline Building Society) Order 2009

PART 4

MISCELLANEOUS

Modification of the FSA’s rule-making power

9.—(1) Subsections (1) and (1A) of section 138 of FSMA⁽¹⁾ (general rule-making power) have effect as if modified by inserting after “protecting the interests of consumers”—

“or for the purposes of, to facilitate or in consequence of the Dunfermline Building Society Property Transfer Instrument 2009”.

(2) Section 148(2) of FSMA (modification or waiver of rules) is modified so it applies in relation to a relevant person—

- (a) in the absence of an application by the relevant person, and
- (b) without any requirement for consent by the relevant person.

(3) Section 148(4)⁽²⁾ of FSMA is to have effect such that it does not prevent the FSA from modifying or waiving rules in relation to a relevant person under section 148 where the following condition is satisfied.

(4) The condition is that the FSA is satisfied that the modification or waiver is necessary for the purposes of, to facilitate or in consequence of the Property Transfer Instrument.

(5) In this article, relevant persons are Dunfermline Building Society and the Dunfermline Bridge Bank.

(1) Subsections (1A) to (1C) were inserted by [S.I. 2006/2975](#).

(2) Subsection (2) was substituted, and subsection (4) was amended, by [S.I. 2007/1973](#).