
STATUTORY INSTRUMENTS

1993 No. 983

BUILDING SOCIETIES

**The Building Societies Appeal Tribunal
(Amendment) Regulations 1993**

<i>Made</i>	- - - -	<i>1st April 1993</i>
<i>Laid before Parliament</i>		<i>5th April 1993</i>
<i>Coming into force</i>	- -	<i>30th April 1993</i>

The Treasury, in exercise of the powers conferred on them by section 48(3) of the Building Societies Act 1986⁽¹⁾ and of all other powers enabling them in that behalf, and after consultation with the Council on Tribunals under section 8(2) of the Tribunals and Inquiries Act 1992⁽²⁾, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Building Societies Appeal Tribunal (Amendment) Regulations 1993 and shall come into force on 30th April 1993.

Amendment of principal Regulations

2. The Building Societies Appeal Tribunal Regulations 1987⁽³⁾ shall be amended as follows:
- (a) in regulations 2(1), after the definition of “appellant” there shall be inserted:
““the Banking Coordination Regulations” means the Banking Coordination (Second Council Directive) Regulations 1992⁽⁴⁾”;
 - (b) in regulation 4, for the words “c/o Her Majesty’s Treasury, Treasury Chambers, Parliament Street, London SW1P 3AG” there shall be substituted the words “15-19 Bedford Avenue, London WC1B 3AS”;
 - (c) in regulation 10(1) for paragraphs (i) and (ii) there shall be substituted the following:
 - “(i) not earlier than 5 days after the date on which the notice is sent; and
 - (ii) not earlier than 21 days and not later than 35 days after the date of receipt by the secretary of the notice of appeal unless the chairman otherwise directs on the

(1) 1986 c. 53.
(2) 1992 c. 53.
(3) S.I.1987/891.
(4) S.I. 1992/3218.

ground that he considers that the preliminary hearing should be held as a matter of urgency.”;

- (d) in regulation 11(1), for the words “on an application under section 47(5) of the Act for the suspension” there shall be substituted the words “on an application for the suspension under section 47(5) of the Act”;
- (e) in regulation 13(1)(c), for the words “commercially sensitive information” to the end there shall be substituted the words “which relates to a person who is not a party to the appeal and which is commercially sensitive or was communicated or obtained in confidence”;
- (f) regulation 15(5) shall be omitted; and
- (g) in the Schedule to the Building Societies Appeal Tribunal Regulations 1987 there shall be added the following paragraphs—

“5. In the case of an appeal against a refusal by the Commission to give a notice as required under regulation 22 of the Banking Coordination Regulations and under paragraph 3(1) or (2) or paragraph 6(1) of Schedule 6 to the Regulations, a copy of any notification of refusal to give such a notice under paragraph 4(6)(b) or paragraph 6(5)(b) of Schedule 6 thereof respectively.

6. In the case of an appeal against a decision of the Commission to impose a restriction under regulation 23 of the Banking Coordination Regulations and pursuant to Schedule 7 to the Regulations—

- (a) a copy of any notice served under paragraph 2(1) of Schedule 7 thereof,
- (b) a copy of any written representations made in accordance with paragraph 2(4) of Schedule 7 thereof,
- (c) a copy of any notice served under paragraph 2(6) of Schedule 7 thereof, and
- (d) a copy of any written representations made in accordance with paragraph 2(10) of Schedule 7 thereof.”.

Nicholas Baker
Tim Kirkhope

Two of the Lords Commissioners of Her
Majesty’s Treasury

1st April 1993

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Building Societies Appeal Tribunal Regulations 1987. A new address to which notice of appeal to the Building Societies Appeal Tribunal is to be sent is inserted. In cases of emergency the Chairman can now direct that a preliminary hearing should be held less than 21 days after receipt of the notice of appeal. The chairman of the tribunal is now required to take into account, when making directions on discovery of evidence, the need to protect information relating to a person not a party to an appeal which is commercially sensitive or was communicated or obtained in confidence (previously he was only required to take into account whether the material was commercially sensitive). Procedural effect is given to the extension of the rights of appeal under section 46 of the Building Societies Act 1986 by the Banking Coordination (Second Council Directive) (SI. 1992/3218) Regulations to decisions of the Commission under the Regulations to refuse to give notices to UK building societies or financial institutions which are their UK subsidiaries to enable them to carry on activities in other EC member States and to impose prohibitions and restrictions on the activities which financial institutions, being UK subsidiaries of UK building societies, may carry on in the UK.