

## SCHEDULE 1

### CONSEQUENTIAL AMENDMENTS

#### **Building Societies Act 1986 (c. 53)**

**87.**—(1) The Building Societies Act 1986 is amended as follows.

(2) In section 54 (disclosure of information), omit subsection (2).

(3) In section 65(10) (restrictions on loans to directors etc: definitions), in the definition of “subsidiary”<sup>M1</sup>, for “section 736 of the Companies Act 1985” substitute “ section 1159 of the Companies Act 2006 ”.

(4) In section 70(4)<sup>M2</sup> (interpretation for Part 7: whether director “associated” with body corporate), in paragraph (a) for “the Companies Act 1985” substitute “ the Companies Acts (see section 548 of the Companies Act 2006) ”.

(5) In section 97(12) (transfer of business to commercial company: definitions), in the definition of “company” for “within the meaning of the Companies Act 1985 or the Companies (Northern Ireland) Order 1986” substitute “ as defined in section 1(1) of the Companies Act 2006 ”.

(6) In section 102(2)(a)<sup>M3</sup> (transfer regulations: provision for transition to regulation under companies legislation), for “the Companies Act 1985 or, as regards Northern Ireland, the Companies (Northern Ireland) Order 1986” substitute “ the Companies Acts ”.

(7) In section 104A(1)<sup>M4</sup> (registration of charges: application of company law)<sup>M5</sup>, for paragraphs (a) and (b) substitute “ Part 25 of the Companies Act 2006 (company charges) ”.

(8) In section 107(10) (restriction on use of certain names and descriptions: application to companies and business names)—

(a) in paragraph (a), for “the registrar under the Companies Act 1985 or the Companies (Northern Ireland) Order 1986” substitute “ the registrar of companies under the Companies Act 2006 ”;

(b) for paragraphs (b) and (c) substitute—

“(b) approval by the Secretary of State of words or expressions for inclusion in a business name under section 1194 of the Companies Act 2006;”;

(c) in the closing words—

(i) for “, the Secretary of State or the Department” substitute “ or the Secretary of State ”, and

(ii) for “description” substitute “ expressions ”.

(9) In section 110(4) (officers and auditors: application of provisions for relief from liability), for the words from the beginning to “empower the court” substitute “ Section 1157 of the Companies Act 2006 (power of court) ”.

(10) In section 119(1) (interpretation), at the appropriate place insert—

““the Companies Acts” has the meaning given by section 2(1) of the Companies Act 2006;”.

(11) In Schedule 15 (application of companies winding up legislation)—

(a) in paragraph 2 (general application of companies winding up provisions), for the words from “registered under the Companies Act 1985” to the end substitute “ registered under the Companies Act 2006 in England and Wales or Scotland or (as the case may be) in Northern Ireland. ”;

(b) in paragraph 57 (property of dissolved society)—

(i) for sub-paragraph (1) substitute—

**Changes to legislation:** There are currently no known outstanding effects for the The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, Paragraph 87. (See end of Document for details)

“(1) Sections 1012 to 1023 and 1034 of the Companies Act 2006 (property of dissolved company) apply in relation to the property of a dissolved building society (whether dissolved under section 87 or following its winding up) as they apply in relation to the property of a dissolved company.”;

(c) for sub-paragraphs (3) and (4) substitute—

“(3) Any reference in those sections to restoration to the register shall be read as a reference to the effect of an order under section 91 of this Act.”.

(12) In Schedule 15A <sup>M6</sup> (application of other companies insolvency legislation)—

(a) in paragraph 1(1) for the words from “registered under the Companies Act 1985” to the end substitute “ registered under the Companies Act 2006 in England and Wales or Scotland or (as the case may be) in Northern Ireland. ”;

(b) in paragraph 16(3)—

(i) for “the Companies Act 1985” substitute “ the Companies Acts ”;

(ii) for “the memorandum or articles of association” substitute “ the company's articles ”;

(c) in paragraph 38(3) <sup>M7</sup>, for “the memorandum or articles of association” substitute “ the company's articles ”.

#### Marginal Citations

- M1** The definition of “subsidiary” in section 65(10) was inserted by the [Building Societies Act 1997 \(c.32\)](#), [Schedule 7](#), paragraph 24(2)(b).
- M2** [Section 70\(4\)](#) was amended by the [Civil Partnership Act 2004 \(c.33\)](#), [Schedule 27](#), paragraph 123(b).
- M3** [Section 102\(2\)\(a\)](#) was amended by [S.I. 2001/2617](#), [Schedule 3](#), paragraphs 131 and 185(b).
- M4** [Section 104A](#) was inserted by the [Building Societies Act 1997 \(c.32\)](#), and subsection (1) of section 104A was amended by [S.I. 2001/2617](#), [Schedule 3](#), paragraphs 131 and 188.
- M5** [Section 104A](#) was inserted by the [Building Societies Act 1997 \(c.32\)](#), [section 42](#) and subsection (1) of that section was amended by [S.I. 2001/2617](#), [Schedule 3](#), paragraphs 133 and 188.
- M6** [Schedule 15A](#) was inserted by the [Building Societies Act 1997 \(c.32\)](#), [Schedule 6](#).
- M7** [Paragraph 38\(3\)](#) was amended by [S.I. 2007/2194 \(C.84\)](#), [Schedule 4](#), paragraph 50.

**Changes to legislation:**

There are currently no known outstanding effects for the The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, Paragraph 87.