
STATUTORY INSTRUMENTS

2009 No. 814

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

PART 3

THE DUNFERMLINE BRIDGE BANK

Proceedings against directors

6.—(1) This article applies in respect of “relevant acts or omissions”, which are the acts or omissions of one or more directors (in their capacity as such) of—

- (a) the Dunfermline Bridge Bank, or
- (b) any subsidiary of the Dunfermline Bridge Bank.

(2) No directors are liable for their relevant acts or omissions or those of other directors.

(3) No proceedings may (at any time) be brought against directors in respect of their relevant acts or omissions or those of other directors.

(4) Paragraphs (2) and (3) do not apply—

- (a) in relation to proceedings brought by the FSA;
- (b) to relevant acts or omissions shown to have been fraudulent, dishonest or in bad faith.

(5) In this article—

- (a) “director” includes an alternate director;
- (b) “proceedings” includes proceedings under Part 11 of the 2006 Act (derivative claims and proceedings by members);
- (c) references to the bringing of proceedings are, in the application of this article to Scotland, references to the raising of proceedings.

(6) For the purposes of paragraphs (2) and (3) it does not matter that a person later ceases to be a director.

Shadow directorship, &c.

7.—(1) A relevant person is not to be treated as—

- (a) a shadow director of the Dunfermline Bridge Bank for the purposes of the provisions listed in the Schedule;
- (b) a person discharging managerial responsibilities in respect of the Dunfermline Bridge Bank for the purposes of the provisions listed in the Schedule (unless that person has been appointed as a director).

(2) Nor is a relevant person to be treated as a director of the Dunfermline Bridge Bank by virtue of paragraph (b) of the definition of director in section 417(1) of FSMA (certain persons in accordance with whose directions or instructions the directors of the body corporate are accustomed to act).

(3) Relevant persons are—

- (a) the Bank of England;
- (b) a Minister of the Crown;
- (c) the Treasury;
- (d) UK Financial Investments Limited (company registered number 06720891);
- (e) persons—
 - (i) employed by or under, or
 - (ii) acting on the behalf of,any of the persons in paragraph (3)(a) to (d).

(4) This article applies in relation to any subsidiary of the Dunfermline Bridge Bank as it applies in relation to the Dunfermline Bridge Bank

Freedom of information

8.—(1) The Dunfermline Bridge Bank is not to be treated as—

- (a) a publicly owned company for the purposes of section 3(1)(b) of the Freedom of Information Act 2000;⁽¹⁾
- (b) holding information on behalf of the Bank of England or the Treasury for the purposes of section 3(2)(b) of that Act.

(2) Paragraph (1) applies to any subsidiary of the Dunfermline Bridge Bank as it applies to the Dunfermline Bridge Bank.

(1) 2000 c. 36.