
STATUTORY INSTRUMENTS

2001 No. 3649

The Financial Services and Markets Act 2000
(Consequential Amendments and Repeals) Order 2001

PART 8

MISCELLANEOUS AMENDMENTS TO PRIMARY LEGISLATION

Housing Act 1985 (c. 68)

Lending institutions and savings institutions

299.—(1) The Housing Act 1985 is amended as follows.

(2) In section 36(4) (liability to repay is a charge on the premises), for the words from “a building society” to “a friendly society” substitute—

“an authorised deposit taker
an authorised insurer”.

(3) In section 151B(5) (mortgage for securing redemption of landlord’s share)(1), for the words from “a building society” to “a friendly society” substitute—

“an authorised deposit taker
an authorised insurer”.

(4) In section 156(4) (liability to repay is a charge on the premises)(2), for the words from “a building society” to “a friendly society” substitute—

“an authorised deposit taker
an authorised insurer”.

(5) In section 447(1) (recognised lending institutions)—

(a) the entries relating to “building societies”(3), “trustees savings banks”, “banks”, “insurance companies” and “friendly societies” in the list of lending institutions recognised for the purposes of section 445 are repealed; and

(b) at the beginning of that list insert—

“an authorised deposit taker
an authorised insurer”.

(6) In section 448(1) (recognised savings institutions)—

(1) Section 151B was inserted by the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), section 118.

(2) Subsection (4) of section 156 was amended by the Housing Act 1988, section 140(1), Schedule 17, paragraph 106.

(3) The reference to building societies was substituted by the Building Societies Act 1986 (c. 53), section 120(1), Schedule 18, paragraph 18(3).

- (a) the entries relating to “building societies”(4), “trustees savings banks” and “banks” in the list of savings institutions recognised for the purposes of section 446 are repealed; and
- (b) at the beginning of that list insert—
 - “an authorised deposit taker”.

(7) In section 576 (meaning of “lending institution”) for the words from “a building society” to “an insurance company” substitute—

- “an authorised deposit taker, or
- an authorised insurer.”

Interpretation of the 1985 Act

300.—(1) Section 622 of the Housing Act 1985 is amended as follows.

(2) The existing text is numbered subsection (1).

(3) In subsection (1), the definitions of “bank”, “building society”(5), “insurance company” and “trustee savings bank” are repealed.

(4) In subsection (1), after the definition of “assured agricultural tenancy” insert—

““authorised deposit taker” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to accept deposits, or
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act who has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to accept deposits;

“authorised insurer” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance, or
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act who has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to effect or carry out contracts of insurance;”.

(5) After subsection (1) insert—

“(2) The definitions of “authorised deposit taker” and “authorised insurer” in subsection (1) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.”.

(4) The reference to building societies was substituted by the Building Societies Act 1986 (c. 53), section 120(1), Schedule 18, paragraph 18(3).

(5) The definition of “bank” was amended by the Banking Act 1987 (c. 22), and the definition of “building society” was substituted by the Building Societies Act 1986 (c. 53), section 120(1), Schedule 18, paragraph 18(5).