

COMPENSATION SOURCEBOOK (PROTECTED DEPOSIT TRANSFERS UNDER THE SPECIAL RESOLUTION REGIME) INSTRUMENT 2009

Powers exercised

- A. The Financial Services Authority makes this instrument in the exercise of the powers and related provisions in the following sections of the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 138 (General rule-making power);
 - (2) section 156 (General supplementary powers);
 - (3) section 213 (The compensation scheme); and
 - (4) section 214 (General).
- B. The rule-making powers listed above are specified for the purpose of section 153(2) (Rule-making instruments) of the Act.

Commencement

- C. This instrument comes into force at 16:00 on 29 March 2009.

Amendments to the Handbook

- D. The Compensation sourcebook (COMP) is amended in accordance with the Annex to this instrument.

Notes

- E. In the Annex to this instrument, the “note” (indicated by “**Note:**”) is included for the convenience of readers but does not form part of the legislative text.

Citation

- F. This instrument may be cited as the Compensation Sourcebook (Protected Deposit Transfers under the Special Resolution Regime) Instrument 2009.

By order of the Board
28 March 2009

Annex

Amendments to the Compensation sourcebook (COMP)

In this Annex all the text is new and is not underlined.

Protected deposit transfers under the special resolution regime

- 10.2.11 R (1) This *rule* applies from 16:00 on 29 March 2009 to 30 September 2009.
- (2) In the event of a transfer of *protected deposits* from one *deposit-taking firm* to another *deposit-taking firm* pursuant to the property transfer powers under the Banking Act 2009, there is a separate and additional £50,000 maximum payment limit for a claimant with respect to *claims* for *protected deposits* held under the name of the transferor provided the following conditions are satisfied:
- (a) the transfer takes effect between 16:00 on 29 March 2009 and 30 September 2009;
 - (b) the transferee has notified the *FSA* before the transfer takes effect that it wishes this *rule* to apply;
 - (c) before the transfer took effect, the claimant had a *protected deposit* with each of the transferor and the transferee; and
 - (d) the transferee continues to operate the business relating to the transferred *protected deposits* under the name of the transferor (or such part of the name as is permitted by law).
- [**Note:** The *FSA* will publish the names of any transferee and the relevant name to which a separate £50,000 limit applies.]
- (3) A transferee to which this *rule* applies must make and retain a written record of potential claimants for whom the separate limit applies.