

Credit Institutions: exceptions to disclosure by holding company under sections 307 to 309 in the case of connected persons and certain officers

310. (1) As respects any financial statements prepared by any company which is the holding company of a credit institution the requirements of section 307 do not apply in relation to any of the following to which the credit institution is a party, namely:

(a) a loan, quasi-loan or other transaction referred to in section 307 (1)(a) or (2)(a) entered into with or for a person connected with a director of that holding company or institution;

(b) an agreement referred to in section 307 (1)(b) or (2)(b) to enter into a loan, quasi-loan or other transaction referred to in that provision with or for a person connected with a director of that holding company or institution;

(c) a guarantee entered into or security provided as mentioned in section 307 (1)(c) or (2)(c) on behalf of a person connected with any of the directors referred to in that provision (being any of the directors of the holding company or institution) in connection with a loan, quasi-loan or credit transaction entered into with or for such a person so connected;

(d) an agreement as mentioned in section 307 (1)(d) or (2)(d) to enter into a guarantee or provide security on behalf of a person connected with any of the directors mentioned in that provision (being any of the directors of the holding company or institution) in connection with a loan, quasi-loan or credit transaction entered into with or for such a person so connected; or

(e) an arrangement referred to in subparagraph (i) or (ii) of section 307 (1)(e) or (2)(e) where the transaction referred to in that subparagraph (1) or (2), as the case may be, or (in the case of that subparagraph (ii)) that subparagraph (i)) was entered into with or for a person connected with a director of that holding company or institution.

(2) As respects any financial statements prepared by any company that is the holding company of a credit institution, the extension of section 307 (8) by section 308 (5) does not apply in relation to any transaction, arrangement or agreement made by that credit institution for or with—

(a) any of its officers, or

(b) any of the officers of the holding company.

(3) As respects any financial statements prepared by any company that is the holding company of a credit institution, the requirements of subsection (1) or (2) of section 309 do not apply in relation to any arrangement or transaction referred to in that subsection (1) or (2) to which the credit institution is a party if the only person referred to in that subsection (1) or (2), as the case may be, who has, directly or indirectly, a material interest in the arrangement or transaction is a person connected with any of the directors referred to in that subsection (1) or (2), as the case may be.

(4) In a case that would fall within subsection (3) but for the fact that both—

(a) a person (the “connected person”) connected with any of the directors referred to in subsection (1) or (2), as the case may be, of section 309, and

(b) a director or directors referred to in that subsection (1) or (2), as the case may be,

have, directly or indirectly, a material interest in the arrangement or transaction concerned to which the credit institution referred to in subsection (3) is a party, then the particulars of the material interest to be disclosed under section 309 need not include the name of the connected person nor (if his or her interest is different from that of the foregoing director or directors) the nature of the connected person's interest.

(5) A word or expression used in this section and also used in sections 307 to 309 has the same meaning in this section as it has in those sections.