

Draft Order laid before Parliament under section 258A(3) of the Banking Act 2009, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No. 0000

FINANCIAL SERVICES AND MARKETS

**The Banking Act 2009 (Exclusion of Investment
Firms of a Specified Description) Order 2014**

Made - - - - *00 July 2014*
Coming into force - - *1st August 2014*

The Treasury make the following Order in exercise of the powers conferred by section 258A(2)(b) of the Banking Act 2009(1).

A draft of this Order has been laid before and approved by resolution of each House of Parliament in accordance with section 258A(3) of that Act.

Citation and commencement

1. This Order may be cited as the Banking Act 2009 (Exclusion of Investment Firms of a Specified Description) Order 2014, and comes into force on 1st August 2014.

Description of institution not included within the meaning of “investment firm”

2.—(1) An institution of a description given in Article 29 of the Capital Requirements Directive (initial capital of particular types of investment firms) is specified for the purpose of section 258A(2) (b) of the Banking Act 2009.

(2) In paragraph (1) “Capital Requirements Directive” means Directive 2013/36/EU of the European Parliament and of the Council of 26th June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending [Directive 2002/87/EC](#) and repealing Directives [2006/48/EC](#) and [2006/49/EC](#)(2).

(1) 2009 c.1. Section 258A was inserted by the Financial Services Act 2012 (c.21), section 101.
(2) OJ No. L 176, 27.6.2013, p. 338-436. For corrigenda see OJ No. L 208, 2/8/2013, p. 73.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Banking Act 2009 (Exclusion of Investment Firms of a Specified Description) Order 2014 No. 1832

Date

Name
Name
Two of the Lords Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order excludes a specified type of institution from the meaning of “investment firm” given in section 258A of the Banking Act 2009 (c. 1). The institutions excluded are investment firms of a description given in Article 29 of Directive 2013/36/EU (OJNo. L 176, 27.6.2013), which are not subject to the initial capital requirement (EUR 730,000) specified in Article 28(2) of that Directive.

A full impact assessment of the effect that this Order will have on the costs of business and the voluntary sector is available from Her Majesty’s Treasury, 1 Horse Guards Road, London SW1A 2HQ or on <http://www.hm-treasury.gov.uk/> and is published alongside the Order on <http://www.legislation.gov.uk/>.