

## SCHEDULE 4

Regulation 5

### Amendments of other secondary legislation

#### **The Banking Act 2009 (Third Party Compensation Arrangements for Partial Property Transfers) Regulations 2009**

1.—(1) The Banking Act 2009 (Third Party Compensation Arrangements for Partial Property Transfers) Regulations 2009 are amended as follows.

(2) After regulation 7 insert—

##### **“Valuation methodology: technical standards**

7A. The Bank may make technical standards specifying the methodology for the assessments referred to in regulation 5(2) to (4).”.

#### **The Banking Act 2009 (Restriction of Partial Property Transfers) Order 2009**

2.—(1) The Banking Act 2009 (Restriction of Partial Property Transfers) Order 2009 is amended as follows.

(2) In article 1 (interpretation etc.)—

(a) in paragraph (3)—

(i) after the definition of “the Act” insert—

““Annex 1 activity” has the meaning given in point (26A) of Article 4.1 of Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26th June 2013 on prudential requirements for credit institutions and investment firms;”;

(ii) omit the definition of “capital requirements directive”;

(iii) in the definition of “excluded rights”, in paragraphs (c) and (d), for “an activity referred to in Annex I to the capital requirements directive” in both cases substitute “an Annex 1 activity”;

(iv) in the definition of “financial instrument” in paragraph (a) for the words from “Section C” to “Instruments Directive” substitute “Part 1 of Schedule 2 to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001”;

(v) omit the definition of “Markets in Financial Instruments Directive”;

(vi) in the definition of “transferable securities” for the words from “Article 4.44” to the end substitute “point (24) of Article 2.1 of Regulation (EU) No. 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012<sup>(1)</sup>”;

(b) in paragraph (5) for “Order 2016 comes” substitute “(Amendment) (EU Exit) Regulations 2018 come”; and

(c) after paragraph (5) insert—

“(6) In this Order any reference to an EU regulation or EU tertiary legislation within the meaning of the European Union (Withdrawal) Act 2018 is to be read as a reference to the instrument as it had effect on the day on which the Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 were made.”.

(3) Omit article 4 (EU law).

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(1) OJ L 173, 12.6.2014, p.84.

### **The Banking Act 2009 (Restriction of Partial Property Transfers) (Recognised Central Counterparties) Order 2014**

3.—(1) The Banking Act 2009 (Restriction of Partial Property Transfers) (Recognised Central Counterparties) Order 2014 is amended as follows.

(2) Omit article 4 (EU law).

### **The Banking Act 2009 (Banking Group Companies) Order 2014**

4.—(1) The Banking Act 2009 (Banking Group Companies) Order 2014 is amended as follows.

(2) In article 2 (interpretation)—

- (a) in paragraph (1), in the definition of “the bank”, omit “, EU institution”; and
- (b) in paragraph (2), in the definition of “the capital requirements regulation”, at the end insert “as it had effect on the day on which the Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 were made”.

### **The Bank Recovery and Resolution Order 2014**

5.—(1) The Bank Recovery and Resolution Order 2014 is amended as follows.

(2) In article 128 (review), omit paragraph (2).

### **The Banking Act 2009 (Mandatory Compensation Arrangements Following Bail-in) Regulations 2014**

6.—(1) The Banking Act 2009 (Mandatory Compensation Arrangements Following Bail-in) Regulations 2014 are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (2) for “Order 2016 comes” substitute “(Amendment)(EU Exit) Regulations 2018 come”.

(3) After regulation 8 insert—

#### **“Valuation methodology: technical standards**

8A. The Bank may make technical standards specifying the methodology for the assessments referred to in regulation 6(2) to (4).”.

(4) In regulation 13 (review), omit paragraph (2).

### **The Banking Act 2009 (Restriction of Special Bail-in Provision, etc.) Order 2014**

7.—(1) The Banking Act 2009 (Restriction of Special Bail-in Provision, etc.) Order 2014 is amended as follows.

(2) In article 2 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of “eligible liabilities” substitute—

““eligible liabilities” has the meaning given in section 3(1) of the Act.”; and

(ii) in the definition of “transferable securities” for the words from “4.1(44)” to “instruments” substitute, “2.1(24) of Regulation (EU) No. 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012”;

- (b) in paragraph (2) for “Order 2016 comes” substitute “(Amendment) (EU Exit) Regulations 2018 come”.
- (3) In article 5 (set-off and netting: meaning of “derivative” etc.), in paragraph (1), at the end insert “as it had effect on the day on which the Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 were made”.
- (4) In article 8 (review), omit paragraph (2).

#### **The Building Societies (Bail-in) Order 2014**

- 8.—(1) The Building Societies (Bail-in) Order 2014 is amended as follows.
- (2) In article 7 (review) omit paragraph (2).

#### **The Bank Recovery and Resolution Order 2016**

- 9.—(1) The Bank Recovery and Resolution Order 2016 is amended as follows.
- (2) In article 42 (review) omit paragraph (2).