

Status: Point in time view as at 01/06/1998.

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SCHEDULES

SCHEDULE 5

TRANSFER OF FUNCTIONS: CONSEQUENTIAL AMENDMENTS

PART IV

GENERAL: DISCLOSURE OF INFORMATION

CHAPTER I

BANKING ACT 1987

52 The ^{M1}Banking Act 1987 is amended as follows.

Marginal Citations

M1 1987 c. 22.

53 (1) Section 83 is amended as follows.

(2) In subsection (1)—

(a) for “Bank” there is substituted “ Authority ”,

(b) after paragraph (a) there is inserted—

“(aa) its functions in its capacity as a designated agency within the meaning of the ^{M2}Financial Services Act 1986; or”,

(c) paragraph (b) is omitted,

(d) in paragraph (c), the words “and gilt market” are omitted, and

(e) paragraph (d), and the word “or” immediately preceding it, are omitted.

(3) In subsections (2) and (3), for “Bank”, wherever occurring, there is substituted “ Authority ”.

Marginal Citations

M2 1986 c. 60.

54 (1) Section 84 is amended as follows.

(2) In subsection (1), for “Bank”, in both places, there is substituted “ Authority ”.

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(3) In the Table in that subsection, after entry 4 there is inserted—

“4A The Bank of England.	Functions in its capacity as a monetary authority or supervisor of systems for the transfer of funds between credit institutions and their customers.”
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(4) In that Table, in entry 18, for “Bank” there is substituted “ Authority ”.

(5) In subsections (2), (4), (5), (5A), (6) and (7), for “Bank”, wherever occurring, there is substituted “ Authority ”.

55 In section 85(1) and (2), for “Bank”, wherever occurring, there is substituted “ Authority ”.

56 (1) Section 86 is amended as follows.

(2) In subsections (1), (2)(a), (3) and (4A), for “Bank”, wherever occurring, there is substituted “ Authority ”.

(3) In subsection (5), for the definition of “relevant functions” there is substituted—
 ““relevant functions”, in relation to the Authority, means its functions under this Act and its functions as a supervisor of money market institutions;”.

57 (1) Section 86 shall also have effect without the amendments made by paragraph 56 above or section 36(1) above, but with the substitution of the following for the definition of “relevant functions” in subsection (5)—

““relevant functions”, in relation to the Bank, means its functions as a monetary authority;”.

(2) In its application by virtue of sub-paragraph (1), section 86 shall have effect as if the provisions of Part V of the ^{M3}Banking Act 1987 were not amended by the preceding paragraphs of this Part of this Schedule, but were amended as follows.

(3) In section 84, in subsection (1), in the Table, after entry 1 there is inserted—

“1A The Authority.	Functions under the <small>M4</small> Financial Services Act 1986 (other than as a designated agency within the meaning of that Act), the Banking Act 1987 or section 171 of the <small>M5</small> Companies Act 1989.”
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(4) In that section, for subsections (5) and (5A) there is substituted—

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- “(5) Section 82 above does not preclude the disclosure by the Bank of information to the Treasury if disclosure appears to the Bank to be in the public interest and in accordance with article 12(7) of the First Council Directive.
- (5A) Section 82 above does not preclude the disclosure by the Bank of information to the Secretary of State for purposes other than those specified in relation to him in subsection (1) above if—
- (a) the disclosure is made with the consent of the Treasury,
 - (b) the information relates to an authorised institution or former authorised institution and does not enable the financial affairs of any other identifiable person to be ascertained, and
 - (c) disclosure appears to the Bank to be—
 - (i) in the public interest, and
 - (ii) in accordance with article 12(7) of the First Council Directive.”

Marginal Citations

- M3** 1987 c. 22.
M4 1986 c. 60.
M5 1989 c. 40.

- 58 (1) Section 87 is amended as follows.
- (2) In subsection (2)—
 - (a) for “Bank” there is substituted “ Authority ”, and
 - (b) for “subsection (3)” there is substituted “ subsection (3)(ha) ”.
 - (3) In subsection (3)—
 - (a) for “Bank” there is substituted “ Authority ”, and
 - (b) for “paragraph (3)” there is substituted “ paragraph (3)(ha) ”.
 - (4) In subsections (3A) and (4), for “Bank” there is substituted “ Authority ”.
- 59 (1) Section 87(2), (3) and (3A) shall also have effect without the amendments made by paragraph 58, but with the following modifications.
- (2) In subsections (2) and (3), the words “for the purpose of enabling or assisting it to discharge its functions under this Act or” are omitted.
 - (3) In subsection (3A)—
 - (a) in paragraph (b), for “section 84(5)(a) or (5A)” there is substituted “ section 84(5A) ”, and
 - (b) for “ “relevant functions” has the same meaning as in section 86 above” there is substituted “relevant functions”, in relation to the Bank, means its functions as a monetary authority; ”.
 - (4) In their application by virtue of sub-paragraph (1), section 87(2), (3) and (3A) shall have effect as if the provisions of Part V of the ^{M6}Banking Act 1987 were not amended

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by the preceding paragraphs of this Part of this Schedule, but were amended as follows.

(5) In section 84, in subsection (1), in the Table, after entry 1 there is inserted—

“1A The Authority.	<p>Functions under the M7</p> <p>Financial Services Act 1986 (other than as a designated agency within the meaning of that Act), the Banking Act 1987 or section 171 of the M8</p> <p>Companies Act 1989.”</p>
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(6) In that section, for subsection (5A) there is substituted—

“(5A) Section 82 above does not preclude the disclosure by the Bank of information to the Secretary of State for purposes other than those specified in relation to him in subsection (1) above if—

- (a) the disclosure is made with the consent of the Treasury, and
- (b) the information relates to an authorised institution or former authorised institution and does not enable the financial affairs of any other identifiable person to be ascertained, and
- (c) disclosure appears to the Bank to be—
 - (i) in the public interest, and
 - (ii) in accordance with article 12(7) of the First Council Directive.”

Marginal Citations

M6 1987 c. 22.
M7 1986 c. 60.
M8 1989 c. 40.

CHAPTER II

OTHER ENACTMENTS

Consumer Credit Act 1974 (c. 39)

60 In section 174(3A) of the Consumer Credit Act 1974—

- (a) for “Bank of England” there is substituted “ Financial Services Authority ”, and
- (b) for “Bank” there is substituted “ Authority ”.

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Insurance Companies Act 1982 (c. 50)

61 (1) Paragraph 3 of Schedule 2B to the Insurance Companies Act 1982 is amended as follows.

(2) In sub-paragraph (1), in the Table, after entry 1 there is inserted—

“1A The Financial Services Authority.	Functions under the Financial Services Act 1986 (other than as a designated agency within the meaning of that Act), the Banking Act 1987 or section 171 of the Companies Act 1989.”
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(3) In sub-paragraph (5), at the end there is inserted “, or

(e) the Financial Services Authority under that Act (other than in its capacity as a designated agency) or the Banking Act 1987;”.

Companies Act 1985 (c. 6)

62 (1) Section 449 of the Companies Act 1985 is amended as follows.

(2) In subsection (1), for paragraph (f) there is substituted—

“(f) for the purpose of enabling or assisting the Bank of England to discharge its functions,

(fa) for the purpose of enabling or assisting the Financial Services Authority to discharge—

(i) any functions under the ^{M9}Financial Services Act 1986, other than as a designated agency within the meaning of that Act,

(ii) its functions under the ^{M10}Banking Act 1987, or

(iii) its functions under section 171 of the ^{M11}Companies Act 1989,”.

(3) In subsection (3), after paragraph (h) there is inserted—

“(ha) the Financial Services Authority, other than in its capacity as a designated agency within the meaning of the Financial Services Act 1986,”.

Marginal Citations

M9 1986 c. 60.

M10 1987 c. 22.

M11 1989 c. 40.

Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I. 6))

63 (1) Article 442 of the Companies (Northern Ireland) Order 1986 is amended as follows.

(2) In paragraph (1), for sub-paragraph (f) there is substituted—

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- “(f) for the purpose of enabling or assisting the Bank of England to discharge its functions;
 - (fa) for the purpose of enabling or assisting the Financial Services Authority to discharge—
 - (i) any functions under the Financial Services Act 1986, other than as a designated agency within the meaning of that Act,
 - (ii) its functions under the Banking Act 1987, or
 - (iii) its functions under section 171 of the Companies Act 1989;”.
- (3) In subsection (3), after paragraph (h) there is inserted—
- “(ha) the Financial Services Authority, other than in its capacity as a designated agency within the meaning of the Financial Services Act 1986;”.

Building Societies Act 1986 (c. 53)

- 64 (1) The Building Societies Act 1986 is amended as follows.
- (2) In section 53, in subsection (5)—
- (a) for “Bank of England”, in the first place where it occurs, there is substituted “ Financial Services Authority ”,
 - (b) for paragraph (b) there is substituted—
 - “(b) by the Authority of any of its functions under the Banking Act 1987 or as a supervisor of money market institutions;”,
 - and
 - (c) for “Bank of England”, in the second place where it occurs, there is substituted “ Authority ”.
- (3) In that section, after subsection (5) there is inserted—
- “(5A) Nothing in subsection (1) above prohibits the disclosure of information to the Bank of England where, in the opinion of the Commission, it is desirable or expedient that the information should be disclosed with a view to facilitating the discharge—
- (a) by the Commission of any of its functions under this Act; or
 - (b) by the Bank of any of its functions;
- nor does subsection (1) above prohibit further disclosure of the information by the Bank of England with the consent of the Commission.”
- (4) In section 54(3A)—
- (a) for “Bank of England”, in the first place where it occurs, there is substituted “ Financial Services Authority, other than in its capacity as a designated agency within the meaning of the ^{M12}Financial Services Act 1986, ”, and
 - (b) for “Bank of England”, in the second place where it occurs, there is substituted “ Financial Services Authority ”.

Marginal Citations

M12 1986 c. 60.

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Financial Services Act 1986 (c. 60)

- 65 (1) The Financial Services Act 1986 is amended as follows.
- (2) In section 179(3)—
- (a) after paragraph (b) there is inserted—
- “(ba) the Financial Services Authority, other than in its capacity as a designated agency;”, and
- (b) paragraph (f) is omitted.
- (3) In section 180(1)—
- (a) after paragraph (e) there is inserted—
- “(ea) for the purpose of enabling or assisting the Financial Services Authority to discharge—
- (i) its functions under this Act, other than as a designated agency,
- (ii) its functions under the ^{M13}Banking Act 1987, or
- (iii) its functions under section 171 of the ^{M14}Companies Act 1989;”, and
- (b) in paragraph (f), for the words from “its” to the end there is substituted “any of its functions”.

Marginal Citations

M13 1987 c. 22.

M14 1989 c. 40.

Companies Act 1989 (c. 40)

- 66 (1) The Companies Act 1989 is amended as follows.
- (2) In section 82—
- (a) in subsection (2)(a)(iii) for “Bank of England” there is substituted “Financial Services Authority”, and
- (b) in subsection (5)—
- (i) for “Bank of England”, in both places, there is substituted “Financial Services Authority”, and
- (ii) for “Bank” there is substituted “Authority”.
- (3) In section 87(4), in the Table, in the entry relating to the Bank of England, for the words in the second column there is substituted “Any of its functions”, and after that entry there is inserted—

“The Financial Services Authority.

Functions under the
^{M15}

Financial Services Act 1986 (other than as a designated agency within the meaning of that Act), the

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M16

Banking Act 1987 or section 171 of the
 M17
 Companies Act 1989.”

Marginal Citations

M15 1986 c. 60.

M16 1987 c. 22.

M17 1989 c. 40.

Courts and Legal Services Act 1990 (c. 41)

- 67 In section 50(2) of the Courts and Legal Services Act 1990—
- (a) after paragraph (f) there is inserted—
- “(fa) the Financial Services Authority to discharge any of its functions under the Financial Services Act 1986 (other than as a designated agency within the meaning of that Act), the Banking Act 1987 or section 171 of the Companies Act 1989;”, and
- (b) in paragraph (p)(i), for “Bank of England” there is substituted “ Financial Services Authority ”.

Friendly Societies Act 1992 (c. 40)

- 68 In section 64(5) of the Friendly Societies Act 1992, in the Table, in the entry relating to the Bank of England, for the words in the second column there is substituted “Any of its functions”, and after that entry there is inserted—

“The Financial Services Authority.	Functions under the Financial Services Act 1986 (other than as a designated agency within the meaning of that Act), the Banking Act 1987 or section 171 of the Companies Act 1989.”
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Pension Schemes Act 1993 (c. 48)

- 69 (1) The Pension Schemes Act 1993 is amended as follows.
- (2) In section 149(6)(e), for “Bank of England” there is substituted “ Financial Services Authority ”.
- (3) In section 158A(1), in the Table, in the entry relating to the Bank of England, for the words in the second column there is substituted “Any of its functions”, and after that entry there is inserted—

“The Financial Services Authority.	Functions under the M18
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Financial Services Act 1986 (other than as a designated agency within the meaning of that Act), the
M19
Banking Act 1987 or section 171 of the
M20
Companies Act 1989.”

Marginal Citations

M18 1986 c. 60.

M19 1987 c. 22.

M20 1989 c. 40.

Pension Schemes (Northern Ireland) Act 1993 (c.49)

- 70 (1) The Pension Schemes (Northern Ireland) Act 1993 is amended as follows.
- (2) In section 145(6)(e), for “Bank of England” there is substituted “ Financial Services Authority ”.
- (3) In section 154A(1), in the Table, in the entry relating to the Bank of England, for the words in the second column there is substituted “ Any of its functions ”, and after that entry there is inserted—

“The Financial Services Authority.	Functions under the Financial Services Act 1986 (other than as a designated agency within the meaning of that Act), the Banking Act 1987 or section 171 of the Companies Act 1989.”
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Pensions Act 1995 (c. 26)

- 71 In section 107(1) of the Pensions Act 1995, in the Table, in the entry relating to the Bank of England, for the words in the second column there is substituted “Any of its functions”, and after that entry there is inserted—

“The Financial Services Authority.	Functions under the Financial Services Act 1986 (other than as a designated agency within the meaning of that Act), the Banking Act 1987 or section 171 of the Companies Act 1989.”
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Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

- 72 In Article 105(1) of the Pensions (Northern Ireland) Order 1995, in the Table, in the entry relating to the Bank of England, for the words in the second column there is substituted “ Any of its functions ”, and after that entry there is inserted—

“The Financial Services Authority.	Functions under the Financial Services Act 1986 (other than as a designated
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agency within the meaning of that Act),
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