



Banking Act 2009

2009 CHAPTER 1

PART 3

BANK ADMINISTRATION

Multiple transfers

149 General application of this Part

- (1) This section applies where more than one property transfer instrument is made in respect of a bank.
- (2) For that purpose “property transfer instrument” includes—
 - (a) supplemental instruments under section 42,
 - (b) onward property transfer instruments under section 43, and
 - (c) property transfer orders under section 45.
- (3) This Part applies to the bank with any modifications specified by the Treasury in regulations.
- (4) The regulations—
 - (a) shall be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.

150 Bridge bank to private purchaser

- (1) This section applies where the Bank of England gives a bank administrator —
 - (a) an Objective 1 Achievement Notice in respect of a bridge bank, and
 - (b) notice that Objective 1 is still required to be pursued in respect of a commercial purchaser who has acquired all or part of the business of the bridge bank.
- (2) An Objective 1 Achievement Notice accompanied by a notice under subsection (1)(b) is referred to in this Part as an Objective 1 Interim Achievement Notice.

Status: This is the original version (as it was originally enacted).

- (3) Where an Objective 1 Interim Achievement Notice is given, Objective 1 continues to apply—
 - (a) in accordance with section 138(3), and
 - (b) with the commercial purchaser being treated as the “private sector purchaser”.
- (4) An Objective 1 Interim Achievement Notice in respect of the bridge bank—
 - (a) has effect as between the bank administrator and the bridge bank, but
 - (b) has no other effect for the purposes of provisions of this Part which refer to the giving of an Objective 1 Achievement Notice.
- (5) When the Bank of England gives the bank administrator an Objective 1 Achievement Notice in respect of the commercial purchaser, section 139 and other provisions of this Part which refer to the giving of an Objective 1 Achievement Notice shall have effect.

151 Property transfer from bridge bank

- (1) This section applies where the Bank of England —
 - (a) transfers all or part of the business of a bank (“the original bank”) to a bridge bank (“the original bridge bank”) by making a property transfer instrument in accordance with section 12(2), and
 - (b) later makes or proposes to make an onward property transfer instrument under section 43(2) from the bridge bank to a transferee (“the onward transferee”).
- (2) If the onward transferee is a company which is wholly owned by the Bank of England—
 - (a) the onward transferee is treated as a bridge bank for the purposes of this Part, and
 - (b) the original bridge bank is treated as a residual bank for the purposes of this Part.
- (3) In any other case, the Bank of England may determine that the original bridge bank is to be treated as a residual bank for the purposes of this Part.
- (4) Where the original bridge bank is put into bank administration in reliance on subsection (2)(b), Objective 1 shall apply in accordance with section 138(4) in relation to both—
 - (a) services provided by the original bank to the original bridge bank, and
 - (b) services provided by the original bridge bank to the onward transferee.
- (5) Where the original bridge bank is put into bank administration in reliance on a determination under subsection (3), Objective 1 shall apply in accordance with—
 - (a) section 138(3) in relation to services provided by the original bridge bank to the onward transferee, and
 - (b) section 138(4) in relation to services provided by the original bank to the original bridge bank.
- (6) But the Bank may determine—
 - (a) that subsection (5) does not apply, and
 - (b) that section 150 shall apply as if the Bank had given—
 - (i) an Objective 1 Interim Achievement Notice in respect of the original bridge bank, and
 - (ii) a notice under section 150(1)(b) in respect of the onward transferee.

152 Property transfer from temporary public ownership

- (1) This section applies where the Treasury—
 - (a) make a share transfer order, in respect of securities issued by a bank (or a bank's holding company), in accordance with section 13(2), and
 - (b) later make a property transfer order from the bank (or from another bank which is or was in the same group as the bank) under section 45(2).
- (2) This Part applies to the transferor under the property transfer order as to the transferor under a property transfer instrument.
- (3) For that purpose this Part applies with any modifications specified by the Treasury in regulations; and the regulations—
 - (a) shall be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.