



Banking Act 2009

2009 CHAPTER 1

[^{F1}PART 5A

WHOLESALE CASH DISTRIBUTION

Regulation

[^{F1}206M Directions

- (1) The Bank of England may give directions in writing to a recognised person.
- (2) A direction may—
 - (a) require or prohibit the taking of specified action in relation to the performance of a specified relevant function in relation to a specified wholesale cash distribution activity;
 - (b) set standards to be met in the performance of a specified relevant function in relation to a specified wholesale cash distribution activity.
- (3) Subsection (4) applies if a direction is given to a recognised person for the purpose of resolving or reducing a threat to the stability of the UK financial system.
- (4) The recognised person (including the recognised person's officers and staff) has immunity from liability in damages in respect of action or inaction in accordance with the direction.
- (5) A direction given for the purpose mentioned in subsection (3) must—
 - (a) include a statement that it is given for that purpose, and
 - (b) inform the recognised person of the effect of subsection (4).
- (6) The Treasury may by regulations confer immunity on any person from liability in damages in respect of action or inaction in accordance with a direction under this section (including a direction given for the purpose mentioned in subsection (3)).
- (7) Regulations under subsection (6)—
 - (a) are to be made by statutory instrument, and

Changes to legislation: Banking Act 2009, Section 206M is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) are subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) An immunity conferred by or under this section does not extend to action or inaction—
 - (a) in bad faith, or
 - (b) in contravention of section 6(1) of the Human Rights Act 1998.
- (9) In this section, “specified” means specified in the direction.]

Textual Amendments

F1 Pt. 5A inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(d), [Sch. 9 para. 1](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(8A)(8B) inserted by [2012 c. 21 s. 96\(3\)](#)
- s. 8(2)(d) and word inserted by [2012 c. 21 s. 96\(4\)\(b\)](#)