



Banking Act 2009

2009 CHAPTER 1

PART 1

SPECIAL RESOLUTION REGIME

[^{F1}CHAPTER 5

SPECIAL CASES]

[^{F1}Banks not regulated by PRA

[^{F1}83A Modifications of Part

(1) In the application of this Part to an FCA-regulated bank the modifications specified in the Table apply.

(2) In this section—

“ FCA-regulated bank ” means a bank which does not carry on any activity which is a PRA-regulated activity for the purposes of the Financial Services and Markets Act 2000;

“ immediate group ” has the meaning given by section 421ZA of the Financial Services and Markets Act 2000;

“ PRA-authorized person ” has the meaning given by section 2B(5) of that Act.

TABLE OF MODIFICATIONS

<i>Provision</i>	<i>Modification</i>
[^{F2} Section 3	Treat the definition of “normal insolvency proceedings” in subsection (1) as including investment bank special administration

Changes to legislation: Banking Act 2009, Section 83A is up to date with all changes known to be in force on or before 14 April 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

	established by the Investment Bank Special Administration Regulations 2011 (S.I. 2011/245).]
[^{F3} Section 6A	Treat the reference to the PRA in subsections (3)(a) and (7) as references to the FCA.
Section 6C	Subsection (6)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.]
Section 7	(a) Treat the references to the PRA in subsections [^{F4} (1), (5A), (5C), (5D) and (5F)] as references to the FCA. (b) ^{F5} . . . (c) If the bank has as a member of its immediate group a PRA-authorized person the FCA must consult the PRA before determining whether or not Condition 2 is met. [^{F6} (d) Subsections (5G)(a) and (5H)(a) do not apply unless the bank has as a member of its immediate group a PRA-authorized person.]
[^{F7} Section 7A	In subsection (1), the reference to the PRA does not apply unless the bank has as a member of its immediate group a PRA-authorized person]
^{F8}	^{F8}
.
^{F8}	^{F8}
.
[^{F9} Section 8ZA	(a) Subsection (4)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person. ^{F10} . . .]
Section 9	Subsection (4)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
^{F11}	^{F11}
.
Section 24	Ignore subsection (1)(c).
Section 25	Ignore subsection (2)(c).
Section 26	Subsection (5)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
[^{F12} Section 26ZA	Subsection (6)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.]
Section 26A	Subsection (6)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
Section 27	Subsection (5)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
Section 28	Subsection (6)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
Section 29	Subsection (6)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
Section 30	Subsection (5)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.

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- Section 31 Subsection (5)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
- Section 41 Ignore subsection (1)(c).
- [^{F13}Section 41A Subsection (4)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.]
- Section 42 Subsection (5)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
- Section 42A Subsection (6)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
- Section 43 Subsection (7)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
- Section 44 Subsection (6)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
- [^{F13}Section 44A Subsection (6)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.]
- [^{F14}Section 44D Subsection (5)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
- Section 44E Subsection (6)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.]
- Section 45 Subsection (8)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
- Section 46 Subsection (7)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
- [^{F13}Section 48H Subsection (5)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
- Section 48U Subsection (4)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
- Section 48V Subsection (6)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.
- Section 48W Subsection (9)(a) does not apply unless the bank has as a member of its immediate group a PRA-authorized person.]
- [^{F15}Section 63 Treat the reference to insolvency in subsection (1A), as including investment bank special administration, established by the Investment Bank Special Administration Regulations 2011
- Section 66 Treat the reference to insolvency in subsection (1ZA), as including investment bank special administration, established by the Investment Bank Special Administration Regulations 2011
- Section 81AA Treat the references to the PRA in subsections (3)(b) and (5)(a) as references to the FCA.]
- Section 81B [^{F16}(a) Treat the references to the PRA in subsections (2) and (2A) as references to the FCA.
(b) Ignore subsection (6)(b) unless the bank has as a member of its immediate group a PRA-authorized person.]

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[^{F17} Section 81ZZBA	Treat the reference to the PRA in subsection (4) as a reference to the FCA.
Section 81ZZBB	(a) Treat the references to the PRA in subsections (2) and (6) as references to the FCA. (b) Subsections (7)(b) and (8)(b) do not apply unless the banking group company has as a member of its immediate group a PRA- authorised person.]
[^{F18} Section 81ZBA	(a) Treat the references to the PRA in subsections (2)(a) and (2A) as references to the FCA. (b) Ignore subsection (8)(a) unless the bank has as a member of its immediate group a PRA- ^{F19} authorised person. ...]
[^{F17} Section 81ZBB	Treat the reference to the PRA in subsection (4) as a reference to the FCA.
Section 81ZBC	(a) Treat the references to the PRA in subsections (2) and (6) as references to the FCA. (b) Subsections (7)(b) and (8)(b) do not apply unless the banking group company has as a member of its immediate group a PRA- authorised person.]
[^{F13} Section 81BA	[^{F20} (a) Treat the references to the PRA in subsections (2)(a) and (2A) as references to the FCA. (b)] Subsection (5)(b) does not apply unless the bank has as a member of its immediate group a PRA- ^{F21} authorised person.]
[^{F17} Section 81BB	Treat the reference to the PRA in subsection (4) as a reference to the FCA.
Section 81BC	(a) Treat the references to the PRA in subsections (2) and (6) as references to the FCA. (b) Subsections (7)(b) and (8)(b) do not apply unless the banking group company has as a member of its immediate group a PRA- authorised person.]
Section 82	(a) Treat the reference to the PRA in subsection (2) as a reference to the FCA. (b) Ignore subsection (5)(a).
^{F21} ...	^{F21} ...]

Textual Amendments

- F1** S. 83A and cross-heading inserted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 17 para. 28](#) (with [Sch. 20](#)); [S.I. 2013/423](#), art. 3, [Sch.](#)
- F2** Words in s. 83A table inserted (31.12.2020) by [The Bank Recovery and Resolution and Miscellaneous Provisions \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1394\)](#), reg. 1(2), [Sch. 1 para. 39\(2\)](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)
- F3** Words in s. 83A(2) table inserted (1.1.2015) by [The Bank Recovery and Resolution Order 2014 \(S.I. 2014/3329\)](#), arts. 1(2), [99\(2\)](#)
- F4** Words in s. 83A(2) table substituted (1.1.2015) by [The Bank Recovery and Resolution Order 2014 \(S.I. 2014/3329\)](#), arts. 1(2), [99\(3\)\(a\)](#)

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- F5** Words in s. 83A(2) table omitted (1.1.2015) by virtue of The Bank Recovery and Resolution Order 2014 (S.I. 2014/3329), arts. 1(2), **99(3)(b)**
- F6** Words in s. 83A(2) table inserted (1.1.2015) by The Bank Recovery and Resolution Order 2014 (S.I. 2014/3329), arts. 1(2), **99(3)(c)**
- F7** Words in s. 83A(2) table inserted (1.1.2015) by The Bank Recovery and Resolution Order 2014 (S.I. 2014/3329), arts. 1(2), **99(4)**
- F8** Words in s. 83A(2) table omitted (1.1.2015) by virtue of The Bank Recovery and Resolution Order 2014 (S.I. 2014/3329), arts. 1(2), **99(5)**
- F9** Words in s. 83A(2) table inserted (1.1.2015) by The Bank Recovery and Resolution Order 2014 (S.I. 2014/3329), arts. 1(2), **99(6)**
- F10** Words in s. 83A table omitted (31.12.2020) by virtue of The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), **Sch. 1 para. 39(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in s. 83A table omitted (31.12.2020) by virtue of The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), **Sch. 1 para. 39(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in s. 83A table inserted (16.12.2016) by The Bank Recovery and Resolution Order 2016 (S.I. 2016/1239), arts. 1(2), **9(2)**
- F13** Words in s. 83A(2) inserted (31.12.2014) by Financial Services (Banking Reform) Act 2013 (c. 33), s. 148(5), **Sch. 2 para. 8**; S.I. 2014/3160, art. 2(1)(b)
- F14** Words in s. 83A table inserted (16.12.2016) by The Bank Recovery and Resolution Order 2016 (S.I. 2016/1239), arts. 1(2), **13(4)**
- F15** Words in s. 83A(2) table inserted (1.1.2015) by The Bank Recovery and Resolution Order 2014 (S.I. 2014/3329), arts. 1(2), **99(7)**
- F16** Words in s. 83A(2) table substituted (1.1.2015) by The Bank Recovery and Resolution Order 2014 (S.I. 2014/3329), arts. 1(2), **99(8)**
- F17** Words in s. 83A(2) table inserted (28.12.2020) by The Bank Recovery and Resolution (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1350), regs. 1(2), **21(2)**
- F18** Words in s. 83A(2) table inserted (1.1.2015) by The Bank Recovery and Resolution Order 2014 (S.I. 2014/3329), arts. 1(2), **99(9)**
- F19** Words in s. 83A table omitted (31.12.2020) by virtue of The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), **Sch. 1 para. 39(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in s. 83A(2) table inserted (1.1.2015) by The Bank Recovery and Resolution Order 2014 (S.I. 2014/3329), arts. 1(2), **99(10)**
- F21** Words in s. 83A table omitted (31.12.2020) by virtue of The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), **Sch. 1 para. 39(6)**; 2020 c. 1, Sch. 5 para. 1(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\(4\)\(b\)](#)