



Financial Services Act 2012

2012 CHAPTER 21

PART 4

COLLABORATION BETWEEN TREASURY AND BANK OF ENGLAND, FCA OR PRA

[^{F1}57A Duty of Bank to provide information required by Treasury

- (1) The Treasury may by notice in writing require the Bank of England to provide it with information specified, or of a description specified, in the notice.
- (2) The information must be information which the Treasury consider is material to the Bank's assessment of the implications for public funds of a bank, building society, credit union [^{F2}, recognised central counterparty] or investment firm failing.
- (3) The information must be provided before the end of such reasonable period as may be specified in the notice.
- (4) The Bank's duty to provide information under this section does not apply to information which the Bank does not have in its possession.
- (5) For the purposes of this section, the cases in which a bank, building society, credit union [^{F3}, recognised central counterparty] or investment firm (“the institution”) is to be regarded as failing include those where—
 - (a) the institution enters insolvency,
 - (b) any of the stabilisation options in Part 1 of the Banking Act 2009 [^{F4}or in Schedule 11 to the Financial Services and Markets Act 2023] is achieved in relation to the institution, or
 - (c) the institution falls to be taken for the purposes of the Financial Services Compensation Scheme (within the meaning given by section 213 of FSMA 2000) to be unable, or likely to be unable, to satisfy claims against the institution.
- (6) In subsection (5)(a) “insolvency” includes—
 - (a) bankruptcy;
 - (b) liquidation;

Changes to legislation: Financial Services Act 2012, Section 57A is up to date with all changes known to be in force on or before 20 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

- (c) bank insolvency;
- (d) building society insolvency;
- (e) investment bank insolvency;
- (f) administration;
- (g) bank administration;
- (h) building society special administration;
- (i) receivership;
- (j) a composition between the institution and the institution's creditors;
- (k) a scheme of arrangement of the institution's affairs.

(7) For the purposes of this section—

“bank” has the meaning given by section 2 of the Banking Act 2009,

“bank administration” has the same meaning as in that Act (see section 136 of that Act),

“bank insolvency” has the same meaning as in that Act (see section 90 of that Act),

“building society”, “building society insolvency” and “building society special administration” have the same meaning as in the Building Societies Act 1986 (see section 119 of that Act),

“credit union” means a credit union as defined by section 31 of the Credit Unions Act 1979 or a credit union as defined by Article 2(2) of the Credit Unions (Northern Ireland) Order 1985,

“investment bank insolvency” means any procedure established by regulations under section 233 of the Banking Act 2009,

“investment firm” has the same meaning as in that Act (see section 258A of that Act),

“public funds” means the Consolidated Fund and any other account or source of money which cannot be drawn or spent other than by, or with the authority of, the Treasury,

[^{F5}“recognised central counterparty” has the meaning given by section 285 of FSMA 2000,]

and an event has implications for public funds if it would or might involve or lead to a need for the application of public funds.]

Textual Amendments

- F1** S. 57A - S. 57B inserted (6.7.2016) by [Bank of England and Financial Services Act 2016 \(c. 14\)](#), [ss. 36\(2\)](#), [41\(3\)](#); S.I. 2016/627, [reg. 2\(1\)\(aa\)](#)
- F2** Words in s. 57A(2) inserted (31.12.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), [s. 86\(3\)](#), [Sch. 11 para. 163\(2\)\(a\)](#); S.I. 2023/1382, [reg. 8\(b\)](#)
- F3** Words in s. 57A(5) inserted (31.12.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), [s. 86\(3\)](#), [Sch. 11 para. 163\(2\)\(b\)](#); S.I. 2023/1382, [reg. 8\(b\)](#)
- F4** Words in s. 57A(5)(b) inserted (31.12.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), [s. 86\(3\)](#), [Sch. 11 para. 163\(2\)\(c\)](#); S.I. 2023/1382, [reg. 8\(b\)](#)
- F5** Words in s. 57A(7) inserted (31.12.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), [s. 86\(3\)](#), [Sch. 11 para. 163\(2\)\(d\)](#); S.I. 2023/1382, [reg. 8\(b\)](#)

Changes to legislation:

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

- Act power to apply conferred (temp.) by [2014 c. 21 s. 79\(4\)](#)
- Act power to apply conferred (temp.) by [2014 c. 21 s. 81\(10\)](#)