

SCHEDULES

SCHEDULE 2

Section 16

AMENDMENTS RELATING TO PART 1

PART 1

BANK OF ENGLAND ACT 1998

- 1 The Bank of England Act 1998 is amended as follows.
- 2 In section 2 (functions of court of directors), for subsection (5) substitute—
- “ (5) Subsections (2) to (4) are subject to—
- (a) section 2A (Financial Stability Objective);
 - (b) section 11 (objectives in relation to monetary policy);
 - (c) Part 1A of the Financial Services and Markets Act 2000 (objectives and strategy of the Prudential Regulation Authority).”
- 3 In section 2A(2) (financial stability objective) for “, the Financial Conduct Authority and the Prudential Regulation Authority” substitute “and the Financial Conduct Authority”.
- 4 (1) Section 3A (oversight functions) is amended as follows.
- (2) In subsection (2)(a)—
- (a) in sub-paragraph (i), after “Act” insert “, the objectives specified in relation to the Prudential Regulation Authority in Part 1A of the Financial Services and Markets Act 2000”;
 - (b) omit the “and” at the end of sub-paragraph (ii);
 - (c) for sub-paragraph (iii) substitute—
 - “(iii) the Bank’s strategy determined under section 2,
 - (iv) the Bank’s financial stability strategy determined under section 9A, and
 - (v) the strategy of the Prudential Regulation Authority determined under section 2E of the Financial Services and Markets Act 2000;”.
- (3) In subsection (4) omit paragraphs (c) to (h).
- 5 (1) Section 3C (reviews) is amended as follows.
- (2) In subsection (1)—
- (a) after “of its” insert “oversight”;
 - (b) for “Oversight Committee” substitute “court of directors”;
 - (c) in paragraphs (a) and (b) for “Committee” substitute “court of directors”.

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- (3) In subsection (3)(a) for “by the Committee in the discharge of any of its” substitute “in relation to the discharge of any of the court’s”.
- (4) Omit subsection (4).
- (5) In subsection (5) for “the Committee must have regard” substitute “regard must be had”.
- 6 In section 3D(1) (publication of reports of performance reviews) for “Oversight Committee” substitute “court of directors”.
- 7 In section 3E(2) (recommendations resulting from review) for “Oversight Committee” substitute “court of directors”.
- 8 (1) Section 3F (oversight: further provisions) is amended as follows.
- (2) In subsection (1)—
- (a) for “Oversight Committee” substitute “court of directors”;
 - (b) after “of its” insert “oversight”;
 - (c) for “or the Monetary Policy Committee” substitute “, the Monetary Policy Committee or the Prudential Regulation Committee”.
- (3) In subsection (2)—
- (a) for “Oversight Committee” substitute “court of directors”;
 - (b) for “or the Monetary Policy Committee” substitute “, the Monetary Policy Committee or the Prudential Regulation Committee for the purposes of exercising its oversight functions”.
- (4) After subsection (2) insert—
- “(2A) But a member of the court of directors who has any direct or indirect interest (including any reasonably likely future interest) in any dealing or business which falls to be considered by the Prudential Regulation Committee may not, under the powers conferred by this section—
- (a) obtain access to any documents relating to the dealing or business, or
 - (b) attend any proceedings of the Prudential Regulation Committee relating to any question arising from its consideration of the dealing or business.”
- (5) In subsection (3)—
- (a) in paragraph (a)—
 - (i) after “Policy Committee” insert “, the Monetary Policy Committee or the Prudential Regulation Committee”;
 - (ii) for “Oversight Committee” substitute “court of directors”;
 - (b) omit the “or” at the end of paragraph (b);
 - (c) at the end of paragraph (c) insert “, or
 - (d) the powers of the Prudential Regulation Committee under paragraph 15(2) of Schedule 6A.”
- (6) In the heading, for “Committee” substitute “functions”.
- 9 (1) Section 4 (annual report by the Bank) is amended as follows.
- (2) For subsection (2)(a) substitute—

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- “(a) a report by the court of directors on the matters which it reviews, monitors or otherwise considers in the performance of its oversight functions (as defined by section 3A(2)).”.
- (3) In subsection (2)(b)—
- (a) for “statement” substitute “statements”;
 - (b) after “7(2)” insert “and (2A)”;
 - (c) for “it” substitute “them”.
- (4) Omit subsection (3).
- (5) After subsection (6) insert—
- “(7) The Chancellor may comply with subsection (6) by laying a document containing a report under this section together with a report by the Prudential Regulation Authority under paragraph 19 of Schedule 1ZB to the Financial Services and Markets Act 2000.”
- 10 Omit section 7A(9)(a) (definition of “qualifying company”).
- 11 In section 9B(4) (Financial Policy Committee) for “Oversight Committee” substitute “court of directors of the Bank”.
- 12 In section 9O (FPC recommendations within the Bank), after subsection (4) insert —
- “(5) Recommendations by the Committee to the PRA are to be made under section 9Q (and not under this section).”
- 13 (1) Section 9Y (directions requiring information or documents) is amended as follows.
- (2) In subsection (2) for “or the PRA (“the regulator”) requiring the regulator” substitute “requiring it”.
- (3) In subsection (3) for “regulator”, in each place it occurs, substitute “FCA”.
- (4) In subsection (4) omit—
- (a) the “and” at the end of paragraph (a);
 - (b) paragraph (b).
- (5) In the italic heading before section 9Y, omit “or PRA”.
- 14 (1) Section 9Z (further provisions about directions under section 9Y) is amended as follows.
- (2) In subsection (2)—
- (a) omit “or the PRA (“the regulator”)”;
 - (b) for “regulator”, in the second place it occurs, substitute “FCA”.
- (3) In subsection (4), for “regulator to which it is given” substitute “FCA”.
- 15 In section 14 (publications of statements about decisions)—
- (a) in subsection (1) after “As soon as” insert “reasonably”;
 - (b) in subsection (5) after “As soon as” insert “reasonably”.
- 16 (1) Section 16 (functions of Oversight Committee) is amended as follows.
- (2) In subsection (1) for “Oversight Committee” substitute “court of directors of the Bank”.

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- (3) In subsection (2) for “the function of the Oversight Committee” substitute “the court’s function”.
- (4) In the heading, for “Oversight Committee” substitute “court of directors”.
- 17 In section 18(6) (reports) after “as soon as” insert “reasonably”.
- 18 In section 40(2) (orders) after “under—” insert—
 “section 1A(1),”.
- 19 (1) Schedule 1 (court of directors) is amended as follows.
- (2) In paragraph 8(2) for “Chief Executive of the Prudential Regulation Authority” substitute “chief executive for prudential regulation (see Schedule 6A)”.
- (3) In paragraph 11(1), after paragraph (c) insert—
 “(d) a committee consisting of officers, employees or agents of the Bank.”
- 20 (1) Schedule 2A (Financial Policy Committee) is amended as follows.
- (2) In paragraph 5 for “Oversight Committee” substitute “court of directors of the Bank”.
- (3) In paragraph 6 for sub-paragraph (2) substitute—
 “(2) The following persons are disqualified for appointment under section 9B(1)(e)—
 (a) a member of the Monetary Policy Committee of the Bank appointed under section 13(2)(c);
 (b) a member of the Prudential Regulation Committee of the Bank appointed under section 30A(2)(g).”
- (4) In paragraph 9—
 (a) in sub-paragraph (1) for “Oversight Committee” substitute “court of directors of the Bank”;
 (b) in sub-paragraph (2) for “Oversight Committee” substitute “court of directors”.
- (5) In paragraph 11—
 (a) in sub-paragraph (2)(b) for “either” substitute “one”;
 (b) omit sub-paragraph (8).
- (6) In paragraph 14—
 (a) the existing text becomes sub-paragraph (1);
 (b) after that sub-paragraph insert—
 “(2) The Bank must issue and maintain a code of practice describing how members of the Committee and the Committee are to comply with sub-paragraph (1).
 (3) The Bank may at any time revise or replace the code.
 (4) Before issuing, revising or replacing the code, the Bank must consult the Treasury.
 (5) The Bank must publish the current version of the code in whatever manner it sees fit.

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(6) The Committee must comply with the code when taking decisions under sub-paragraph (1)(b).”

(7) After paragraph 14 insert—

“Decisions otherwise than at meetings

- 15 (1) The Committee may take a decision on a matter without a meeting if—
- (a) a majority of eligible members indicate in writing their agreement to the decision,
 - (b) the eligible members who indicate in writing their agreement to the decision would have constituted a quorum at a meeting of the Committee, and
 - (c) any other requirements determined by the Committee are met.
- (2) “Eligible members” are members of the Committee who would have been entitled to vote on the matter if the matter had been proposed for decision at a meeting of the Committee.

Power to determine own procedure

16 Subject to paragraphs 11, 14 and 15, the Committee is to determine its own procedure.”

- 21 (1) Schedule 3 (Monetary Policy Committee) is amended as follows.
- (2) In paragraph 4(2) for “Oversight Committee” substitute “court of directors of the Bank”.
- (3) For paragraph 5A substitute—
- “5A The following persons are disqualified for appointment under section 13(2)(c)—
- (a) a member of the Financial Policy Committee of the Bank appointed under section 9B(1)(e);
 - (b) a member of the Prudential Regulation Committee of the Bank appointed under section 30A(2)(g).”
- (4) In paragraph 8—
- (a) for “have executive responsibility” substitute “carry out monetary policy analysis”;
 - (b) omit the words from “for” to the end.
- (5) In paragraph 9(1)—
- (a) for “Oversight Committee” substitute “court of directors of the Bank”;
 - (b) in paragraph (a) for “meetings of the Monetary Policy Committee for more than 3 months” substitute “3 or more meetings of the Monetary Policy Committee”.
- (6) After paragraph 9(1) insert—
- “(1A) The court of directors may, with the consent of the Chancellor of the Exchequer, also remove a member appointed under section 13(2)(c) if it is satisfied that in all the circumstances his financial or other interests are

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such as substantially to affect the functions as member which it would be proper for him to discharge.”

- (7) In paragraph 14 for “submit a monthly” substitute “, at least 8 times in each calendar year, submit a”.
- 22 (1) Schedule 7 (restriction on disclosure of information) is amended as follows.
- (2) In paragraph 2(1)—
- (a) omit the “or” at the end of sub-paragraph (b);
 - (b) at the end of sub-paragraph (c) insert “or
 - (d) its functions as the Prudential Regulation Authority.”
- (3) In paragraph 3(1), in column 1 of the table, in the entry for the Financial Conduct Authority or the Prudential Regulation Authority omit “or the Prudential Regulation Authority”.

PART 2

OTHER ACTS

Bank of England Act 1946 (c. 27)

- 23 In section 4(1) of the Bank of England Act 1946 (power of Treasury to give directions to the Bank)—
- (a) the words “monetary policy” become paragraph (a);
 - (b) after that paragraph insert—
 - “(b) the exercise by the Bank of its functions as the Prudential Regulation Authority (see section 2A of the Financial Services and Markets Act 2000).”

House of Commons Disqualification Act 1975 (c. 24)

- 24 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices)—
- (a) omit “Member of the governing body of the Prudential Regulation Authority;”;
 - (b) at the appropriate place insert—
 - “Member of the Prudential Regulation Committee of the Bank of England appointed under section 30A(2)(f) or (g) of the Bank of England Act 1998”.

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 25 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices)—
- (a) omit “Member of the governing body of the Prudential Regulation Authority;”;
 - (b) at the appropriate place insert—

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“Member of the Prudential Regulation Committee of the Bank of England appointed under section 30A(2)(f) or (g) of the Bank of England Act 1998”.

Financial Services and Markets Act 2000 (c. 8)

- 26 The Financial Services and Markets Act 2000 is amended as follows.
- 27 Omit section 2O (independent reviews of PRA).
- 28 Omit section 2P (right to obtain documents etc for purposes of section 2O).
- 29 In section 3C (duty to follow principles of good governance), for “each regulator” substitute “the FCA”.
- 30 (1) Section 3Q (co-operation by FCA and PRA with Bank of England) is amended as follows.
- (2) In the heading, omit “and PRA”.
- (3) In subsection (1), for “Each regulator” substitute “The FCA”.
- (4) In subsection (2), for “regulator” substitute “FCA”.
- 31 In section 3R(2) (arrangements for provision of services by and to Bank of England)
-
- (a) for “Either regulator” substitute “The FCA”;
- (b) in paragraphs (a) and (b), for “regulator” substitute “FCA”.
- 32 After section 3S insert—

“Interpretation

3T Interpretation

In this Part “enactment” includes—

- (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
- (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (c) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales;
- (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation.”

- 33 (1) Section 137J (rules about recovery plans) is amended as follows.
- (2) In subsection (1), for paragraphs (a) and (b) substitute “the Treasury”.
- (3) After subsection (1) insert—
- “(1A) The FCA must also consult the Bank of England.”
- 34 (1) Section 137K (rules about resolution packs) is amended as follows.
- (2) In subsection (1), for paragraphs (a) and (b) substitute “the Treasury”.
- (3) After subsection (1) insert—

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- “(1A) The FCA must also consult the Bank of England.”
- 35 (1) Section 138F (notification of rules) is amended as follows.
- (2) In subsection (1), for paragraphs (a) and (b) substitute “to the Treasury”.
- (3) After subsection (1) insert—
- “(1A) The FCA must also give written notice to the Bank of England.”
- (4) In subsection (2) for “(1)(b)” substitute “(1A)”.
- 36 (1) Section 165 (regulators’ power to require information: authorised persons etc) is amended as follows.
- (2) In subsection (4)—
- (a) the words from “information” to the end become paragraph (a);
- (b) at the end of that paragraph (a) insert “, and
- (b) in relation to the exercise by the PRA of the powers conferred by subsections (1) and (3), information and documents reasonably required by the Bank of England in connection with the exercise by the Bank of its functions in pursuance of its financial stability objective.”
- (3) After subsection (8) insert—
- “(8A) Financial stability objective” means the objective set out in section 2A of the Bank of England Act 1998.”
- 37 (1) Section 165A (PRA’s power to require information: financial stability) is amended as follows.
- (2) In subsection (3)—
- (a) the words from “information” to the end become paragraph (a);
- (b) at the end of that paragraph (a) insert “, and
- (b) information and documents reasonably required by the Bank of England in connection with the exercise by the Bank of its functions in pursuance of its financial stability objective.”
- (3) After subsection (7) insert—
- “(7A) Financial stability objective” means the objective set out in section 2A of the Bank of England Act 1998.”
- 38 In section 187A(5A) (assessment: consultation by PRA with FCA) for “has been directed by the Bank of England under section 189(1A)” substitute “is required by section 189(1ZB)”.
- 39 (1) Section 189 (assessment procedure) is amended as follows.
- (2) In subsection (1A), for “But where” substitute “Where the appropriate regulator is the FCA and”.
- (3) After subsection (1A) insert—
- “(1ZB) Where the appropriate regulator is the PRA and—

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- (a) the section 178 notice relates to an acquisition or increase of control over a credit institution, investment firm or banking group company, and
 - (b) the credit institution, investment firm or banking group company is one in relation to which the Bank of England is exercising its functions under sections 6A to 6C of the Banking Act 2009 or the special resolution regime under Part 1 of that Act,
- the PRA must act under this Part in a timely manner, and shorten the assessment period so far as reasonably practicable.”
- (4) In subsection (1B)—
- (a) for “subsection (1A)” substitute “subsections (1A) and (1ZB)”;
 - (b) omit the definition of “bank”;
 - (c) in the definition of “banking group company” for “that Act” substitute “the Banking Act 2009”.
- 40 In section 190(1A) (requests for further information), after “189(1A)” insert “or section 189(1ZB) applies”.
- 41 In section 192F(3) (consultation between regulators)—
- (a) for “either regulator” substitute “the FCA”;
 - (b) for “the regulator” substitute “it”.
- 42 In section 192I(1)(a) (statement of policy relating to directions) after “regulator and” insert “, where the issuing regulator is the FCA,”.
- 43 In section 285A(3)(a) (which introduces Part 1 of Schedule 17A) for “and the PRA” substitute “, and between the FCA and the PRA,”.
- 44 In section 345A (PRA disciplinary measures) omit subsection (6).
- 45 (1) Section 348 (restrictions on disclosure of confidential information) is amended as follows.
- (2) In subsection (5)(aa) for “PRA” substitute “Bank of England”.
 - (3) At the end insert—
 - “(8) In this section references to the Bank of England include the Bank acting in its capacity as the PRA.”
- 46 (1) Section 353A (restriction on disclosing information received from Bank) is amended as follows.
- (2) In subsection (1) for “A regulator” substitute “The FCA”.
 - (3) In subsection (3) for the words from “the regulator” to the end substitute “the FCA received the information from the Bank of England.”
 - (4) In subsection (4) for “regulator to which it disclosed the information” substitute “FCA”.
 - (5) In subsection (6)—
 - (a) omit paragraph (a);
 - (b) in paragraph (d) for “regulator” substitute “FCA”.
 - (6) In subsection (7)—

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- (a) in the words before paragraph (a) for “a regulator” substitute “the FCA”;
 - (b) in paragraphs (a)(i) and (b) for “regulator” substitute “FCA”.
- (7) In subsection (8)—
- (a) for “a regulator” substitute “the FCA”;
 - (b) for “that regulator” substitute “the FCA”.
- (8) In subsection (9)—
- (a) for “Each regulator” substitute “The FCA”;
 - (b) in paragraphs (b) and (c) for “regulator” substitute “FCA”.
- (9) After subsection (9) insert—
- “(10) In this section references to the Bank of England include the Bank acting in its capacity as the PRA.”
- 47 In section 354B(2) (PRA’s duty to co-operate) for the words from “Bank” to the end substitute “FCA (but see section 3D)”.
- 48 Omit section 354C (PRA’s general duty to provide information to Bank).
- 49 In section 417(1) (definitions) after the definition of “authorised person” insert—
- ““Bank of England” is to be read in accordance with section 2A(4) to (6);”.
- 50 (1) Schedule 1ZB (Prudential Regulation Authority) is amended as follows.
- (2) In the shoulder note, for “2A” substitute “2AB.”
 - (3) In paragraph 1—
 - (a) omit the definition of “the Bank”;
 - (b) for “2A(6)” substitute “2AB(3)”.
 - (4) Omit paragraphs 2 to 16 and 18.
 - (5) In paragraph 19 (annual report)—
 - (a) in sub-paragraph (1), in the words before paragraph (a), for “Treasury” substitute “Chancellor of the Exchequer”;
 - (b) omit sub-paragraph (3)(a);
 - (c) in sub-paragraph (4)—
 - (i) for “Treasury” substitute “Chancellor of the Exchequer”;
 - (ii) for “them” substitute “the Chancellor”;
 - (d) after sub-paragraph (4) insert—

“(5) The Chancellor may comply with sub-paragraph (4) by laying a document containing a report under this paragraph together with a report under section 4 of the Bank of England Act 1998.”
 - (6) Omit paragraphs 22 to 26.
 - (7) In paragraph 31—
 - (a) in sub-paragraph (2) for “2A(6)” substitute “2AB(3)”;
 - (b) in sub-paragraph (4) for “2A(6)(d)” substitute “2AB(3)(d)”.
- 51 (1) Schedule 17A (exercise of Part 18 functions by Bank of England) is amended as follows.

- (2) In paragraph 2(1) for “appropriate regulators” substitute “FCA”.
- (3) In paragraph 17—
 - (a) in sub-paragraph (5), for the words from “the reference” to the end substitute “subsection (1)(a) required consultation with the FCA.”;
 - (b) omit sub-paragraph (6)(b).
- (4) In paragraph 23—
 - (a) the existing text becomes sub-paragraph (1);
 - (b) after that sub-paragraph insert—
 - “(2) Paragraph 9(2)(a) does not apply to the reference to the PRA in section 348(8).”
- (5) In paragraph 35(3)—
 - (a) at the end of paragraph (a) insert “and”;
 - (b) omit paragraph (b).

Banking Act 2009 (c. 1)

- 52 The Banking Act 2009 is amended as follows.
- 53 In section 83ZZ (co-operation)—
 - (a) at the end of paragraph (a) insert “, and”;
 - (b) omit paragraph (b).
- 54 (1) Section 83Z1 (delegation of enforcement functions) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “appropriate regulator” substitute “FCA”;
 - (b) for “that regulator” substitute “the FCA”.
 - (3) Omit subsection (2)(b).
 - (4) In subsection (3), for “appropriate regulator” substitute “FCA”.
- 55 In section 89L(2)(c)(i) (application of section 348 of Financial Services and Markets Act 2000) omit inserted paragraph (ca).
- 56 (1) Section 96 (ground for applying for bank insolvency order) is amended as follows.
 - (2) In subsection (2)(a) omit “the PRA has informed the Bank of England that”.
 - (3) In subsection (3)(a), for the words from “has”, in the first place it occurs, to the end substitute “is satisfied that Condition 2 in section 7 is met, and”.
- 57 (1) Section 108 (removal of bank liquidator by court) is amended as follows.
 - (2) In subsection (2) omit “the Bank of England and”.
 - (3) In subsection (3) omit “the PRA and”.
- 58 In section 117(2)(a) (consents required for making of bank insolvency order) omit “the Bank of England and”.
- 59 (1) In section 129A (modifications for banks not regulated by PRA), the table in subsection (2) is amended as follows.

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- (2) In the entry for section 96, in column 2, for paragraphs (a) and (b) substitute—
- “(a) Read subsection (2)(a) as “the FCA has informed the Bank of England that the FCA is satisfied that Condition 1 in section 7 is met,”.
 - (b) Treat the references to the PRA in subsection (3) as references to the FCA.
 - (ba) Read subsection (3)(a) as “the Bank of England—(i) has informed the FCA that it is satisfied that Condition 2 in section 7 is met, and (ii) has consented to the application,”.
- (3) In the entry for section 108, in column 2—
- (a) for paragraph (b) substitute—
 - “(b) Treat the reference in subsection (2) to the FCA as a reference to the Bank of England.”;
 - (b) omit paragraph (c).
- (4) In the entry for section 117, in column 2, for paragraph (b) substitute—
- “(b) Treat the reference in subsection (2) to the FCA as a reference to the Bank of England.”
- 60 Omit section 204(4)(ba) (Bank may disclose information to PRA).
- 61 Omit section 246(2)(b) (Bank may disclose information to PRA).
- 62 Before section 257 insert—

“256B Bank of England” and “Prudential Regulation Authority”

- (1) In this Act references to the Bank of England do not include the Bank acting in its capacity as the Prudential Regulation Authority.
 - (2) For the interpretation of references to the Prudential Regulation Authority, see section 2A of the Financial Services and Markets Act 2000.”
- 63 In section 261 (index of defined terms), at the appropriate places in the table insert—
- | | |
|----------------------------------|-------|
| “Bank of England | 256B” |
| “Prudential Regulation Authority | 256B” |

Financial Services Act 2012 (c. 21)

- 64 The Financial Services Act 2012 is amended as follows.
- 65 In section 85(8) (definition of relevant functions) for “2A(6)” substitute “2AB(3)”.
- 66 (1) Section 117 (interpretation) is amended as follows.
- (2) In subsection (2), in the definition of “the PRA”, at the end insert “(and see section 2A of the Financial Services and Markets Act 2000 for the interpretation of references to the Prudential Regulation Authority)”.
 - (3) After subsection (2) insert—

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“(2A) In this Act references to the Bank of England do not include the Bank acting in its capacity as the PRA.”

Financial Services (Banking Reform) Act 2013 (c. 33)

67 In section 98(5)(d) of the Financial Services (Banking Reform) Act 2013 (definition of relevant functions), for “2A(6)” substitute “2AB(3)”.

Repeals

68 The following provisions are repealed.

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Banking Act 2009 (c. 1)	Section 238(2).
Financial Services Act 2012 (c. 21)	Section 2(3). Section 3(3), (4)(a), (4)(b)(i) and (4)(d). In Schedule 2, paragraphs 1(13) and 2(7).
Financial Services (Banking Reform) Act 2013 (c. 33)	In Schedule 3, paragraph 17.