

Status: Point in time view as at 01/03/2017.

Changes to legislation: Bank of England and Financial Services Act 2016, Cross Heading: Banking Act 2009 (c. 1) is up to date with all changes known to be in force on or before 10 September 2023. 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)

SCHEDULES

SCHEDULE 2

AMENDMENTS RELATING TO PART 1

PART 2

OTHER ACTS

Banking Act 2009 (c. 1)

52 The Banking Act 2009 is amended as follows.

Commencement Information

II [Sch. 2 para. 52](#) in force at 1.3.2017 by [S.I. 2017/43](#), [reg. 2\(g\)](#)

53 In section 83ZZ (co-operation)—
(a) at the end of paragraph (a) insert “, and ”;
(b) omit paragraph (b).

Commencement Information

I2 [Sch. 2 para. 53](#) in force at 1.3.2017 by [S.I. 2017/43](#), [reg. 2\(g\)](#)

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 ”.

Commencement Information

I3 [Sch. 2 para. 54](#) in force at 1.3.2017 by [S.I. 2017/43](#), [reg. 2\(g\)](#)

55 In section 89L(2)(c)(i) (application of section 348 of Financial Services and Markets Act 2000) omit inserted paragraph (ca).

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Commencement Information

I4 [Sch. 2 para. 55](#) in force at 1.3.2017 by [S.I. 2017/43](#), [reg. 2\(g\)](#)

- 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 ”.

Commencement Information

I5 [Sch. 2 para. 56](#) in force at 1.3.2017 by [S.I. 2017/43](#), [reg. 2\(g\)](#)

- 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”.

Commencement Information

I6 [Sch. 2 para. 57](#) in force at 1.3.2017 by [S.I. 2017/43](#), [reg. 2\(g\)](#)

- 58 In section 117(2)(a) (consents required for making of bank insolvency order) omit “the Bank of England and”.

Commencement Information

I7 [Sch. 2 para. 58](#) in force at 1.3.2017 by [S.I. 2017/43](#), [reg. 2\(g\)](#)

- 59 (1) In section 129A (modifications for banks not regulated by PRA), the table in subsection (2) is amended as follows.
- (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—

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“(b) Treat the reference in subsection (2) to the FCA as a reference to the Bank of England.”

Commencement Information

I8 Sch. 2 para. 59 in force at 1.3.2017 by S.I. 2017/43, reg. 2(g)

60 Omit section 204(4)(ba) (Bank may disclose information to PRA).

Commencement Information

I9 Sch. 2 para. 60 in force at 1.3.2017 by S.I. 2017/43, reg. 2(g)

61 Omit section 246(2)(b) (Bank may disclose information to PRA).

Commencement Information

I10 Sch. 2 para. 61 in force at 1.3.2017 by S.I. 2017/43, reg. 2(g)

62 Before section 257 insert—

Bank of England” and “Prudential Regulation Authority”

“256B) 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.”

Commencement Information

I11 Sch. 2 para. 62 in force at 1.3.2017 by S.I. 2017/43, reg. 2(g)

63 In section 261 (index of defined terms), at the appropriate places in the table insert—

| | |
|------------------|-------|
| “Bank of England | 256B” |
|------------------|-------|

| | |
|----------------------------------|-------|
| “Prudential Regulation Authority | 256B” |
|----------------------------------|-------|

Commencement Information

I12 Sch. 2 para. 63 in force at 1.3.2017 by S.I. 2017/43, reg. 2(g)

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