

## SCHEDULE 8

### AMENDMENTS OF BANKING ACT

#### *Information*

**8.—(1)** Section 39 of the Act<sup>(1)</sup> (power to obtain information and require production of documents) shall have effect as if—

- (a) references to an authorised institution included references to a European institution, a quasi-European authorised institution or a UK subsidiary;
- (b) references to the Bank’s functions under the Act included references to its functions under these Regulations;
- (c) references to an officer, servant or agent of the Bank included references to an officer, servant or agent of the relevant supervisory authority in a European institution’s or quasi-European authorised institution’s home State;
- (d) references to such information or documents as the Bank may reasonably require for the performance of its functions under the Act included references to such information or documents as such an authority may reasonably require for the performance of any of its functions corresponding to those of the Bank under the Act or these Regulations or those of a connected UK authority; and
- (e) the reference to a former authorised institution included a reference to a former European institution.

(2) That section shall also have effect as if it included provision empowering the Bank to exercise the powers conferred by that section for the purpose of assisting a supervisory authority in a European institution’s home State in the performance of any functions corresponding to those of the Bank under the Act or these Regulations or to those of a connected UK authority.

(3) A person who is guilty of an offence under subsection (11) of that section by virtue of this paragraph shall not be liable to imprisonment for a term exceeding three months.

**9.—(1)** Section 40 of the Act (right of entry to obtain information and documents) shall have effect as if the reference in subsection (2) to any officer, servant or agent of the Bank included a reference to any officer, servant or agent of a supervisory authority in a European institution’s or quasi-European authorised institution’s home State.

(2) A person who is guilty of an offence under subsection (3) of that section by virtue of this paragraph shall not be liable to imprisonment for a term exceeding three months.

---

(1) Section 39 is amended by regulation 36 of these Regulations, and its application as amended is subject to the savings in regulation 46.