

SCHEDULE 8

AMENDMENTS OF BANKING ACT

Miscellaneous and supplementary

27. Section 93 of the Act (injunctions) shall have effect as if the reference in subsection (1) to a direction under section 19 of the Act included a reference to a restriction under regulation 10 or 23 of these Regulations.

28. Section 94 of the Act (false and misleading information) of that Act shall have effect as if—

- (a) the reference in subsection (1) to a requirement imposed by or under the Act included a reference to a requirement imposed by or under these Regulations;
- (b) references in subsections (1) and (3) to the Bank's functions under the Act included references to its functions under these Regulations;
- (c) the reference in subsection (3) to an authorised institution included a reference to a European institution or UK subsidiary; and
- (d) the reference in that subsection to a former authorised institution included a reference to a former European institution or former UK subsidiary.

29. Section 95 of the Act (restriction of Rehabilitation of Offenders Act 1974) shall have effect as if in subsection (4)—

- (a) the reference to imposing a restriction included a reference to imposing a restriction under regulation 10 or 23 of these Regulations;
- (b) the reference to an authorised institution included a reference to a European institution or UK subsidiary; and
- (c) the reference to a former authorised institution included a reference to a former European institution or former UK subsidiary.

30. Section 99 of the Act (service of notices on Bank) shall have effect as if the reference in subsection (1) to a notice required by that Act to be given to or served on the Bank included a reference to a notice required by these Regulations to be so given or served.

31. Section 100 of the Act (service of other notices) shall have effect in relation to a European institution which has not established a branch in the United Kingdom as if in subsection (4) the words from “except that” to the end were omitted.

32.—(1) Section 101 of the Act (evidence) shall have effect as if in subsection (1)—

- (a) the reference to an authorised institution included a reference to a European institution or UK subsidiary;
- (b) the reference to the date on which a particular institution became or ceased to be authorised included a reference to the date on which a particular institution became or ceased to be a European institution or UK subsidiary; and
- (c) the reference to whether or not a particular institution's authorisation is or was restricted included a reference to whether or not a restriction under regulation 10 or 23 of these Regulations has or had been imposed on a particular European institution or UK subsidiary.

(2) In giving a certificate under subsection (1) of that section in relation to a European institution, the Bank may rely on any information supplied to it by the relevant supervisory authority in the institution's home State.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

33. Section 106 of the Act (interpretation) shall have effect as if the reference in the definition of “former authorised institution” in subsection (1) to an institution which was formerly an authorised institution did not include a reference to a European authorised institution.