
STATUTORY INSTRUMENTS

2001 No. 3649

**The Financial Services and Markets Act 2000
(Consequential Amendments and Repeals) Order 2001**

PART 8

MISCELLANEOUS AMENDMENTS TO PRIMARY LEGISLATION

Bankers' Books Evidence Act 1879 (c. 11)

Meaning of “bank” etc.

265.—(1) Section 9 of the Bankers' Books Evidence Act 1879 (meaning of “bank” etc.) is amended as follows.

(2) In subsection (1)(1), for paragraphs (a) and (aa) substitute—

“(a) a deposit-taker;”.

(3) After that subsection, insert—

“(1A) “Deposit taker” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to accept deposits; or
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to accept deposits or other repayable funds from the public.

(1B) But a person is not a deposit-taker if he has permission to accept deposits only for the purpose of carrying on another regulated activity in accordance with that permission.

(1C) Subsections (1A) and (1B) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.”.

(1) Subsection (1)(a) was substituted by the Banking Act 1987 (c. 22), Schedule 6, paragraph 1. Subsection (1)(aa) was inserted by the Building Societies Act 1986, Schedule 18 Pt. 1, paragraph 1 and has been amended by S.I. 2001/1148 Schedule 1, paragraph 3.