
STATUTORY INSTRUMENTS

2018 No. 1297

The Bank of England (Amendment) (EU Exit) Regulations 2018

PART 2

Amendments of Primary Legislation

Amendments of the Bank of England Act 1998

2. The Bank of England Act 1998(1) is amended in accordance with regulations 3 to 7.

Part 1: constitution, regulation and financial arrangements

3. Omit section 2AA (macro-prudential measures: Article 458 of the capital requirements regulation)(2).

Part 1A: financial stability

- 4.—(1) In section 9H (directions to FCA or PRA requiring macro-prudential measures)(3)—
- (a) in subsection (2)(a)—
 - (i) at the end of sub-paragraph (i), insert “or”;
 - (ii) at the end of sub-paragraph (ii), omit “or”;
 - (iii) omit sub-paragraph (iii);
 - (b) omit subsection (11).
- (2) In section 9I (compliance with directions under section 9H)(4)—
- (a) omit subsection (1A);
 - (b) omit subsection (4A).
- (3) In section 9Q (recommendations to FCA and PRA)(5), omit subsections (4A), (4B) and (4C).
- (4) In section 9U (publication of record of meetings)(6)—
- (a) in subsection (3), omit paragraph (c);
 - (b) in subsection (8), omit paragraphs (f) and (g).

Part 3A: prudential regulation

5. In section 30C (operational independence)(7)—

(1) 1998 c.11.
(2) Section 2AA was inserted by [S.I. 2013/3115](#), and amended by [S.I. 2014/894](#).
(3) Section 9H was inserted with sections 9A to 9G and 9I to 9ZA by section 4 of the Financial Services Act 2012 (c.21). It was amended by [S.I. 2014/894](#).
(4) Subsections (1A) and (4A) were inserted by [S.I. 2014/894](#).
(5) Subsections (4A) to (4C) were inserted by [S.I. 2014/894](#).
(6) Subsection (3)(c) and (8)(f) and (g) were inserted by [S.I. 2014/894](#).
(7) Section 30C was inserted by section 13 of the Bank of England and Financial Services Act 2016 (c.14).

(a) for subsection (1), substitute—

“(1) The Bank must make arrangements to ensure that the discharge of its resolution functions (as defined by section 7D(10)) is operationally independent of the discharge of its functions as the PRA.”**(8)**;

(b) omit subsections (5) to (7).

Part 4: miscellaneous and general

6. In section 41 (general interpretation)**(9)**—

(a) renumber the existing provision as subsection (1);

(b) after subsection (1), as so renumbered, insert—

“(2) References in this Act to an EU regulation are to that regulation as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018.”.

Schedule 7

7. In paragraph 5 of Schedule 7 (restriction on disclosure of information: other permitted disclosures)**(10)**—

(a) at the end of paragraph (a), insert “or”;

(b) at the end of paragraph (b), omit “or”;

(c) omit paragraph (c).

Financial Services Act 2012.

8.—(1) The Financial Services Act 2012**(11)** is amended as follows.

(2) In section 57B (duty of Bank to inform Treasury about resolution plans)**(12)**—

(a) for subsection (2)(b), substitute—

“(b) the Bank’s assessment of the risk that the failing of the institution or entity would pose to the stability of the financial system in the United Kingdom,”;

(b) in subsection (7), omit the definition of “systemic risk”.

(3) In section 66 (memorandum of understanding: international organisations)—

(a) in subsection (1), omit “the European Supervisory Authorities, EU institutions and other”;

(b) omit subsections (2) and (6);

(c) in subsection (7), omit “the European Supervisory Authorities, EU institutions and other”.

(4) In section 82(3)(a) (publication of reports of inquiries and investigations), omit “, enforceable EU obligation”.

(5) For section 93(8B)**(13)** (interpretation of Part 7), substitute—

“(8B) References to Article 5 of the market abuse regulation include—

(a) any EU regulation, originally made under that Article, which is retained direct EU legislation, and

(8) Section 7D was inserted by section 11 of the Bank of England and Financial Services Act 2016.

(9) Section 41 was substituted by [S.I. 2013/3115](#) and amended by [S.I. 2017/1064](#).

(10) Paragraph 5(c) was amended by [S.I. 2011/1043](#).

(11) [2012 c.21](#).

(12) Section 57B was inserted by section 36 of the Bank of England and Financial Services Act 2016 ([c.14](#)).

(13) Subsection (8B) was inserted by [S.I. 2016/680](#).

- (b) any subordinate legislation (within the meaning of the Interpretation Act 1978) made under that Article on or after exit day.”(14).

(14) 1978 c.30. The definition of “subordinate legislation” in section 21 of that Act is amended by paragraph 19 of Schedule 8 to the European Union (Withdrawal) Act 2018 (c.16).