

SCHEDULE 5

Regulation 18(6).

PROHIBITIONS AND RESTRICTIONS BY THE DIRECTOR

Preliminary

1. In this Schedule—

“appeal period” has the same meaning as in the Consumer Credit Act⁽¹⁾;

“prohibition” means a prohibition under regulation 18 of these Regulations;

“restriction” means a restriction under regulation 19 of these Regulations.

Notice of prohibition or restriction

2.—(1) This paragraph applies where the Director proposes, in relation to a European institution—

(a) to impose a prohibition;

(b) to impose a restriction; or

(c) to vary a restriction otherwise than with the agreement of the institution.

(2) The Director shall, by notice—

(a) inform the institution that, as the case may be, the Director proposes to impose the prohibition or restriction or vary the restriction, stating his reasons; and

(b) invite the institution to submit representations to the proposal in accordance with paragraph 4 below.

(3) If he imposes the prohibition or restriction or varies the restriction, the Director may give directions authorising the institution to carry into effect agreements made before the coming into force of the prohibition, restriction or variation.

(4) A prohibition, restriction or variation shall not come into force before the end of the appeal period.

(5) Where the Director imposes a prohibition or restriction or varies a restriction, he shall serve a copy of the prohibition, restriction or variation—

(a) on the Bank; and

(b) on the relevant supervisory authority in the institution’s home State.

Application to revoke prohibition or restriction

3.—(1) This paragraph applies where the Director proposes to refuse an application made by a European institution for the revocation of a prohibition or restriction.

(2) The Director shall, by notice—

(a) inform the institution that the Director proposes to refuse the application, stating his reasons; and

(b) invite the institution to submit representations in support of the application in accordance with paragraph 4 below.

(1) 1974 c. 39.

Status: This is the original version (as it was originally made).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

Representations to Director

4.—(1) Where this paragraph applies to an invitation by the Director to an institution to submit representations, the Director shall invite the institution, within 21 days after the notice containing the invitation is given to it, or such longer period as the Director may allow—

(a) to submit its representations in writing to the Director; and

(b) to give notice to the Director, if it thinks fit, that it wishes to make representations orally; and where notice is given under paragraph (b) above the Director shall arrange for the oral representations to be heard.

(2) In reaching his determination the Director shall take into account any representations submitted or made under this paragraph.

(3) The Director shall give notice of his determination to the institution.

Appeals

5. Section 41 of the Consumer Credit Act⁽²⁾ (appeals to the Secretary of State) shall have effect as if—

(a) the following determinations were mentioned in column 1 of the table set out at the end of that section, namely—

(i) imposition of a prohibition or restriction or the variation of a restriction; and

(ii) refusal of an application for the revocation of a prohibition or restriction; and

(b) the European institution concerned were mentioned in column 2 of that table in relation to those determinations.

(2) 1974 c. 39.