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SCHEDULE 6 – *Banking supervision fees*
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SCHEDULES

SCHEDULE 6   Section 26.

BANKING SUPERVISION FEES

Powers

1   (1) Every application for authorisation under the Banking Act 1987 and every notice
     given to the Authority under section 75 of that Act (notice by overseas institution of
     establishment of representative office in the United Kingdom) shall be accompanied
     by such fee as the Authority may by regulations prescribe; and no such application or
     notice shall be regarded as duly made or given unless this sub-paragraph is complied
     with.

     (2) Every authorised institution and every European authorised institution which has
     lawfully established a branch in the United Kingdom for the purpose of accepting
     deposits or other repayable funds from the public shall pay such periodical fees to
     the Authority as it may by regulations prescribe.

     (3) The powers conferred by this paragraph may be used to prescribe such fees as will
     enable the Authority—

         (a)   to meet the expenses which it incurs in carrying out the transferred functions
               or for any incidental purposes, and

         (b)   to repay the principal of, and pay any interest on, any money which it has
               borrowed and which has been used for the purpose of meeting expenses
               which it has incurred in relation to the transfer to it of the transferred
               functions.

     (4) Regulations under this paragraph shall specify the time when the fees are to be paid
     and may—

         (a)   provide for the determination of the fees in accordance with a specified scale
               or other specified factors,

         (b)   provide for the return or abatement of any fees, and

         (c)   make different provision for different cases.

     (5) In this paragraph—

               "authorised" has the same meaning as in the Banking Act 1987;

               "European authorised institution" has the same meaning as in the Banking
         Coordination (Second Council Directive) Regulations 1992;

               "institution" has the same meaning as in the Banking Act 1987.

Consultation

2   (1) Before making regulations under paragraph 1, the Authority shall—

         (a)   publish the proposed regulations in such manner as appears to it best
               calculated to bring the proposals to the attention of those likely to be affected

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by them, together with a statement that representations about the proposals can be made to the Authority within a specified time, and

(b) have regard to any representations duly made in accordance with the statement.

(2) Sub-paragraph (1) does not apply where the Authority considers that the delay involved in complying with it would be prejudicial to the interests of depositors.

Mode of exercise

3   Power to make regulations under paragraph 1 is exercisable by instrument in writing which shall state that it is made under that paragraph.

Publication

4   (1) Immediately after regulations under paragraph 1 are made they shall be printed and made available to the public with or without payment.

(2) A person shall not be liable to pay a fee under regulations under paragraph 1 if he shows that, at the time the fee became payable, the regulations had not been made available as required by this paragraph.

Proof of regulations

5   (1) The production of a printed copy of regulations purporting to be made by the Authority under paragraph 1 on which is endorsed a certificate signed by an officer of the Authority authorised by it for that purpose and stating—

(a) that the regulations were made by the Authority,

(b) that the copy is a true copy of the regulations, and

(c) that on a specified date the regulations were made available to the public as required by paragraph 4,

shall be prima facie evidence or, in Scotland, sufficient evidence of the facts stated in the certificate.

(2) Any certificate purporting to be signed as mentioned in sub-paragraph (1) shall be deemed to have been duly signed unless the contrary is shown.

(3) Any person wishing in any legal proceedings to cite regulations under paragraph 1 may require the Authority to cause a copy of them to be endorsed with such a certificate as is mentioned in this paragraph.