

Status: Point in time view as at 19/02/2013.

Changes to legislation: Bank of England Act 1998, SCHEDULE 7 is up to date with all changes known to be in force on or before 01 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 37.

RESTRICTION ON DISCLOSURE OF INFORMATION

Restricted information

- 1 (1) Subject to sub-paragraph (2), information is restricted information for the purposes of this paragraph if—
- (a) it is obtained by the Bank by virtue of the power conferred by section 17(1) or paragraph 9 of Schedule 2 (whether or not it was obtained pursuant to a notice under that provision), and
 - (b) it relates to the business or other affairs of any person.
- (2) Information is not restricted information for the purposes of this paragraph if—
- (a) it has been made available to the public from other sources, or
 - (b) it is in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it.
- (3) Except as permitted by the following provisions of this Schedule, restricted information shall not be disclosed by—
- (a) the Bank or any officer or ^{F1}employee] of the Bank, or
 - (b) any person obtaining the information directly or indirectly from the Bank, without the consent of the person from whom the Bank obtained the information and, if different, the person to whom the information relates.
- (4) Any person who discloses information in contravention of this paragraph shall be guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 3 months, or to a fine not exceeding the statutory maximum, or to both.

Textual Amendments

- F1** Word in Sch. 7 para. 1(3)(a) substituted (19.2.2013 for specified purposes) by Financial Services Act 2012 (c. 21), s. 122(3), Sch. 2 para. 5 (with Sch. 20); S.I. 2013/113, art. 2(2), Sch. Pt. 4

Disclosure for the purposes of the Bank's functions

- 2 (1) Paragraph 1 does not preclude the disclosure of information in any case in which disclosure is for the purpose of enabling or assisting the Bank to discharge—
- (a) its functions as a monetary authority,
 - (b) its functions as a supervisor of systems for the transfer of funds between credit institutions and their customers, or

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(c) its functions under Schedule 2.

[^{F2}(2) “Credit institution” means an undertaking whose business is to receive deposits or other repayable funds from the public and to grant credits for its own account.]

Textual Amendments

F2 Sch. 7 para. 2(2) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 164(2)

Disclosure by the Bank to other authorities

- 3 (1) Paragraph 1 does not preclude the disclosure by the Bank of information to any authority specified in the first column of the following Table if the Bank considers that the disclosure would enable or assist that authority to discharge any of the functions specified in relation to it in the second column of that Table.

[^{F3} Table

<i>Authority</i>	<i>Functions</i>
The Treasury.	Functions under the Financial Services and Markets Act 2000.
The Secretary of State.	Functions under the Financial Services and Markets Act 2000.
An inspector appointed under Part 14 of the Companies Act 1985 ^{F4}	Functions under that Part.
....	
A person authorised to exercise powers under section 447 of the Companies Act 1985 ^{F5}	Functions under that section ^{F6}
... or section 84 of the Companies Act 1989.
A person appointed under— (a)section 167 of the Financial Services and Markets Act 2000, (b)subsection (3) or (5) of section 168 of that Act, or (c)section 284 of that Act, to conduct an investigation.	Functions in relation to that investigation.
The Financial Services Authority.	Functions under the legislation relating to friendly societies, the Building Societies Act 1986, Part 7 of the Companies Act 1989 or the Financial Services and Markets Act 2000.
The competent authority for the purposes of Part 6 of the Financial Services and Markets Act 2000.	Functions under that Part.

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[^{F7}The Chancellor of the Exchequer (or any person to whom any functions of the Chancellor of the Exchequer under the Statistics of Trade Act 1947 are delegated)]

Functions under the Statistics of Trade Act 1947.

[^{F8}The Pensions Regulator]

[^{F8}Functions conferred by or by virtue of—

- (a) the Pension Schemes Act 1993,
- (b) the Pensions Act 1995,
- (c) the Welfare Reform and Pensions Act 1999,
- (d) the Pensions Act 2004, or
- (e) any enactment in force in Northern Ireland corresponding to an enactment mentioned in paragraphs (a) to (d) above.]]

- (2) The Treasury may by order amend the Table in sub-paragraph (1) by—
- (a) adding any public or other authority and specifying functions in relation to it,
 - (b) removing any authority for the time being specified in the Table, or
 - (c) altering the functions for the time being specified in the Table in relation to any authority.
- (3) The Treasury may by order restrict the circumstances in which, or impose conditions subject to which, disclosure is permitted in the case of any authority for the time being specified in the Table.
- (4) Before making an order under this paragraph, the Treasury shall consult the Bank.

Textual Amendments

- F3** Table in Sch. 7 para. 3 substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 164(3)**
- F4** Words in Sch. 7 para. 3(1) omitted (1.10.2009) by virtue of **The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009** (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 172(a)** (with art. 10)
- F5** Words in Sch. 7 para. 3(1) omitted (1.10.2009) by virtue of **The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009** (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 172(b)(i)** (with art. 10)
- F6** Words in Sch. 7 para. 3(1) omitted (1.10.2009) by virtue of **The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009** (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 172(b)(ii)** (with art. 10)
- F7** Words in Sch. 7 para. 3 substituted (1.4.2008) by **Statistics and Registration Service Act 2007** (c. 18), s. 74(1), **Sch. 2 para. 7**; S.I. 2008/839, art. 2
- F8** Entry in Sch. 7 para. 3(1) substituted (6.4.2005) by **Pensions Act 2004** (c. 35), s. 322(1), **Sch. 12 para. 70**; S.I. 2005/695, art. 2(7), Sch. 1

Modifications etc. (not altering text)

- C1** Sch. 7 para. 3 amended (*temp.* from 3.9.2001 until 1.12.2001) by S.I. 2001/2966, **arts. 3, 12**; S.I. 2001/3538, **art. 2(1)**

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Onward disclosure

- 4 (1) Paragraph 1 does not preclude the disclosure by any authority specified in the first column of the Table in paragraph 3(1) of information obtained by it by virtue of that provision if it makes the disclosure—
- (a) with the consent of the Bank, and
 - (b) for the purpose of enabling or assisting it to discharge any functions specified in relation to it in the second column of that Table.
- (2) Before deciding whether to give its consent to disclosure under this paragraph, the Bank shall take account of such representations as the authority proposing to make the disclosure may make about the desirability of or necessity for the disclosure.

Other permitted disclosures

- 5 Paragraph 1 does not preclude the disclosure of information—
- (a) with a view to the institution of, or otherwise for the purposes of, any proceedings in connection with a payment due under Schedule 2 (payment in lieu of cash ratio deposit),
 - (b) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings, whether under this Act or otherwise, or
 - (c) in pursuance of any [^{F9}EU] obligation.

Textual Amendments

- F9** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), [arts. 3, 6](#) (with [arts. 3\(2\)\(3\), 4\(2\), 6\(4\)\(5\)](#))

Modifications etc. (not altering text)

- C2** Sch. 7 para. 5: disclosure powers extended (14.12.2001) by [2001 c. 24, ss. 17, 127\(2\)\(a\)](#), [Sch. 4 Pt. I para. 40\(1\)](#)

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