

*These notes refer to the Banking Act 2009 (c.1)  
which received Royal Assent on 12 February 2009*

# **BANKING ACT 2009**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 6: Banknotes: Scotland And Northern Ireland**

##### **Enforcement**

##### *Section 221: Offence: unlawful issue*

489. *Subsection (1)* makes it a criminal offence to issue banknotes in Scotland or Northern Ireland otherwise than in reliance on section 213.
490. *Subsection (2)* sets out the penalties applicable to a person convicted of the unlawful issue of banknotes in Scotland or Northern Ireland.
491. *Subsections (3) to (5)* provide that the officers of an authorised bank may also be guilty of a criminal offence if the bank issues banknotes otherwise than in reliance on section 213. “Officer” is defined in *subsections (4) and (5)*, and the circumstances in which they may commit a criminal offence are set out in subsection (3).
492. *Subsection (6)* specifies the authorities in England and Wales, and Northern Ireland, who may prosecute an offence under this section. No provision is necessary for Scotland because, in Scotland, responsibility for the prosecution of crime resides solely with the Lord Advocate (Ministerial Head of the Crown Office and Procurator Fiscal Service).