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STATUTORY INSTRUMENTS

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**2001 No. 3648**

The Financial Services and Markets Act 2000  
(Confidential Information) (Bank of England)  
(Consequential Provisions) Order 2001

PART IV

TRANSITIONAL PROVISIONS

**Information supplied before commencement by an overseas regulatory authority**

6.—(1) This article applies to information which fell within section 86(1) of the Banking Act 1987<sup>(1)</sup> and immediately before commencement was subject to restrictions on disclosure by virtue of section 82 of that Act, as those sections had effect by virtue of paragraph 57 of Schedule 5 to the 1998 Act (“transitional overseas regulatory information”).

(2) Subject to paragraphs (3) and (4), regulation 15 of the Disclosure Regulations (disclosure of transitional information) has effect in relation to transitional overseas regulatory information which the Bank holds after commencement as if the persons to be treated as a primary recipient by virtue of paragraph (3)(a) of that regulation included the Bank in relation to such information.

(3) Transitional overseas regulatory information which fell within section 86(1)(a) of the Banking Act 1987 and was supplied by an EEA regulatory authority is to be treated for the purposes of the Disclosure Regulations as single market directive information (within the meaning of those Regulations).

(4) Transitional overseas regulatory information which fell within section 86(1)(b) of the Banking Act 1987 is to be treated for the purposes of the Disclosure Regulations as single market directive information which is obtained in the course of an on-the-spot verification of the kind referred to in article 29 of the banking consolidation directive.

(5) For the purposes of this article, references in Part III of the Disclosure Regulations (disclosure of single market directive information) to the Authority are to be treated as including the Bank.

**Companies information supplied before commencement**

7.—(1) This article applies to information (“transitional companies information”)—

- (a) disclosed before commencement to the Bank under section 449(1) of the Companies Act 1985, or under Article 442(1) of the Companies (Northern Ireland) Order 1986, in its capacity as a competent authority under section 449(3) of that Act or Article 442(3) of that Order (as the case may be); and
- (b) which immediately before commencement was subject to any of the powers of disclosure conferred by subsection (2) or (3) of section 87 of the Banking Act 1987, as that section had effect by virtue of paragraph 59 of Schedule 5 to the 1998 Act.

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(1) 1987 c. 22. The Banking Act 1987 was repealed by article 3 of the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001, S.I.2001/3649.

(2) Subject to paragraphs (3) and (4), transitional companies information may be disclosed in accordance with section 349 of the Act and the Disclosure Regulations as if—

- (a) it were confidential information within the meaning of section 348(2) of the Act; and
- (b) the Bank were a primary recipient of the information.

(3) The Bank may disclose transitional companies information in accordance with Part IV of the Disclosure Regulations only with the consent of—

- (a) in the case of information of the kind mentioned in paragraph (1)(a), the Secretary of State, or
- (b) in the case of information of the kind mentioned in paragraph (1)(b), the Department of Enterprise, Trade and Investment in Northern Ireland.

(4) A person other than the Bank must not disclose such information under paragraph (2) except with the consent of—

- (a) in the case of information disclosed as mentioned in paragraph (1)(a), the Secretary of State, or
- (b) in the case of information disclosed as mentioned in paragraph (1)(b), the Department of Enterprise, Trade and Investment in Northern Ireland.

#### **Information supplied before commencement by the Building Societies Commission**

**8.—**(1) This article applies to information (“transitional building societies information”)—

- (a) disclosed before commencement by the Building Societies Commission to the Bank for the purpose of enabling or assisting the Bank to discharge its relevant functions; and
- (b) which immediately before commencement was subject to the powers of disclosure conferred by section 87(3A)(2) of the Banking Act 1987, as that section had effect by virtue of paragraph 59 of Schedule 5 to the 1998 Act.

(2) Transitional building societies information may be disclosed in accordance with section 349 of the Act and the Disclosure Regulations as if—

- (a) it were confidential information within the meaning of section 348(2) of the Act; and
- (b) the Bank were a primary recipient of the information.

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(2) Subsection (3A) was inserted by the Banking Coordination (Second Council Directive) Regulations 1992, S.I. 1992/3218, regulation 42.