
STATUTORY INSTRUMENTS

2014 No. 3329

The Bank Recovery and Resolution Order 2014

Groups: transfer to bridge bank etc

90.—(1) Section 81B (groups: sale to commercial purchaser and transfer to bridge bank)(1) is amended as follows.

(2) For subsection (2) substitute—

“(2) Condition 1 is that—

- (a) the PRA is satisfied that Condition 1 of the general conditions is met in respect of a bank in the same group and the Bank of England is satisfied that Conditions 2, 3 and 4 of the general conditions are met in respect of that bank, or
- (b) the EU resolution authority of an EU institution in the same group is satisfied that the conditions for resolution set out in Article 32.1 of the recovery and resolution directive are met in relation to that EU institution, or
- (c) a relevant third-country authority of a third-country institution in the same group is satisfied that any conditions required by the law of the third country to be met before third-country resolution action may be taken are met in relation to that third-country institution.

(2A) For the purposes of determining if a requirement of Condition 1 is met, the PRA, Bank of England, EU resolution authority or relevant third-country authority (as the case may be) may ignore any transfer of losses or capital made between members of the group.”.

(3) In subsection (3) for the words “public interest in” to the end substitute “public interest in the advancement of one or more of the special resolution objectives.”.

(4) After subsection (8) insert—

“(9) In this section—

“EU institution” has the meaning given by section 81AA(14);

“EU resolution authority” means a resolution authority within the meaning given by Article 2.1(18) of the recovery and resolution directive (other than the Bank of England);

“the general conditions” means the general conditions for the exercise of a stabilisation power set out in section 7;

“relevant third-country authority” has the meaning given by Article 2.1(90) of the recovery and resolution directive;

“third-country institution” has the meaning given by section 89H(7)(2);

“third-country resolution action” has the meaning given by section 89H(7).”

(1) Section 81B was inserted by section 100 of the Financial Services Act 2012 (c.21).

(2) Section 89H is inserted by article 102 of this Order.