

STATUTORY INSTRUMENTS

2014 No. 3348

The Bank Recovery and Resolution (No. 2) Order 2014

PART 5

Resolution plans

CHAPTER 2

Group resolution plan where the PRA or FCA is the consolidating supervisor

Application of Chapter 2

39. This Chapter applies where the PRA or FCA is the consolidating supervisor in relation to a relevant group.

The Bank's duty to draw up group resolution plans

40.—(1) ^{F1}... The Bank must draw up and adopt a group resolution plan, and is solely responsible for the plan.

^{F2}(2)

(3) Subject to the imposition of any simplified obligations (within the meaning given by article 9(3)(b)) with respect to a group resolution plan, the plan must^{F3}—

- (a) contain the information, and be drawn up with regard to the considerations, set out in Schedule 2; and
- (b) contain information specified in any technical standards made under paragraph (3A).]

[^{F4}(3A) Taking into account the diversity of business models of groups in the United Kingdom, the Bank may make technical standards relating to information to be contained in the group resolution plan.]

(4) The resolution plan must be drawn up on the basis of—

- (a) the information provided for that purpose by a group entity set up in the United Kingdom or by the appropriate regulator; and
- (b) any other relevant information.

[^{F5}(4A) The Bank may make technical standards relating to—

- (a) the procedures for the provision of information under paragraph (4)(a); and
- (b) a minimum set of standard forms and templates for such provision of information.]

(5) For the purpose of drawing up a group resolution plan, the Bank must consult—

- (a) the appropriate regulator;

^{F6}(b)

^{F6}(c)

(6) A group resolution plan must not have a disproportionate impact on [^{F7}the United Kingdom].

[^{F8}(6A) In a relevant group, where a mixed-activity holding company has at least one subsidiary which is—

- (a) an institution; and
- (b) a subsidiary of a financial holding company,

the group resolution plan shall provide that the financial holding company is identified as a resolution entity. “Institution” in this subsection has the same meaning as in the capital requirements regulation.]

(7) For the purpose of drawing up a group resolution plan, so far as the plan is relevant to—

- (a) a subsidiary within the relevant group which is set up in a third country, or
- (b) an institution within the relevant group which has a significant branch in a third country,

the Bank may consult the authorities which, in the country concerned, exercise any function equivalent to a function of [^{F9}the Bank under Part 1 of the Banking Act 2009 or the PRA or the FCA under FSMA].

[^{F10}(8) In paragraph (7)—

“branch” has the meaning given in point (17) of Article 4.1 of the capital requirements regulation; and

“significant branch” shall be construed with regard, in particular, to the following—

- (a) whether the market share of the branch in terms of deposits exceeds 2% in the third country;
- (b) the likely impact of a suspension or closure of the operations of the institution on systemic liquidity and the payment, clearing and settlement systems in the third country;
- (c) the size and importance of the branch in terms of number of clients within the context of the banking or financial system of the third country.]

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| F1 | Words in art. 40(1) omitted (31.12.2020) by virtue of The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), Sch. 3 para. 25(2) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F2 | Art. 40(2) omitted (31.12.2020) by virtue of The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), Sch. 3 para. 25(3) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F3 | Words in art. 40(3) substituted (31.12.2020) by The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), Sch. 3 para. 25(4) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F4 | Art. 40(3A) inserted (31.12.2020) by The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), Sch. 3 para. 25(5) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F5 | Art. 40(4A) inserted (31.12.2020) by The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), Sch. 3 para. 25(6) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F6 | Art. 40(5)(b)(c) omitted (31.12.2020) by virtue of The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), Sch. 3 para. 25(7) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F7 | Words in art. 40(6) substituted (31.12.2020) by The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), Sch. 3 para. 25(8) ; 2020 c. 1, Sch. 5 para. 1(1) |

- F8** Art. 40(6A) inserted (28.12.2020) by The Bank Recovery and Resolution (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1350), regs. 1(2), **31**
- F9** Words in art. 40(7) substituted (31.12.2020) by The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), **Sch. 3 para. 25(9)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Art. 40(8) inserted (31.12.2020) by The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), **Sch. 3 para. 25(10)**; 2020 c. 1, Sch. 5 para. 1(1)

Information to be transmitted for the purpose of drawing up group resolution plans

41.—(1) For the purposes of drawing up and adopting a group resolution plan the Bank must send relevant information [^{F11}to the appropriate regulator]—

- ^{F12}(a)
- ^{F12}(b)
- ^{F12}(c)

(2) This article does not require any information to be disclosed if its disclosure would be contrary to section 348 of FSMA as applied for the purposes of Part 1 of the Banking Act 2009 (with modifications) by section 89L of that Act ^{F13} (restrictions on disclosure of confidential information).

- ^{F14}(3)

- F11** Words in art. 41(1) inserted (31.12.2020) by The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), **Sch. 3 para. 26(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Art. 41(1)(a)(b)(c) omitted (31.12.2020) by virtue of The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), **Sch. 3 para. 26(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Section 89L was inserted by S.I. 2014/3329.
- F14** Art. 41(3) omitted (31.12.2020) by virtue of The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), **Sch. 3 para. 26(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Joint decision on adoption of group resolution plan

- ^{F15}**42.**

- F15** Art. 42 omitted (31.12.2020) by virtue of The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), **Sch. 3 para. 27**; 2020 c. 1, Sch. 5 para. 1(1)

References to EBA

- ^{F16}**43.**

- F16** Art. 43 omitted (31.12.2020) by virtue of The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), **Sch. 3 para. 27**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Bank Recovery and Resolution (No. 2) Order 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Requesting the assistance of EBA

^{F17} 44.

F17 Art. 44 omitted (31.12.2020) by virtue of The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), **Sch. 3 para. 27**; 2020 c. 1, Sch. 5 para. 1(1)

Duty to transmit a copy of the group resolution plan

45. The Bank must send a copy of the group resolution plan to the appropriate regulator ^{F18}

F18 Words in art. 45 omitted (31.12.2020) by virtue of The Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1394), reg. 1(2), **Sch. 3 para. 28**; 2020 c. 1, Sch. 5 para. 1(1)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order power to apply (with modifications) conferred by [2023 c. 29 Sch. 11 para. 165](#)
- Order power to modify conferred by [2023 c. 29 s. 3Sch. 1 Pt. 2](#)
- Order revoked by [2023 c. 29 Sch. 1 Pt. 2](#)