

BANK OF ENGLAND ACT 1998

CHAPTER 11

An Act to make provision about the constitution, regulation, financial arrangements and functions of the Bank of England, including provision for the transfer of supervisory functions; to amend the Banking Act 1987 in relation to the provision and disclosure of information; to make provision relating to appointments to the governing body of a designated agency under the Financial Services Act 1986; to amend Schedule 5 to that Act; to make provision relating to the registration of Government stocks and bonds; to make provision about the application of section 207 of the Companies Act 1989 to bearer securities; and for connected purposes. [23 April 1998]

PART I

CONSTITUTION, REGULATION AND FINANCIAL ARRANGEMENTS

Constitution and regulation

1 Court of directors

(1) There shall continue to be a court of directors of the Bank.

[(2) The court shall consist of the following directors appointed by Her Majesty –

- (a) a Governor,
- (b) a Deputy Governor for financial stability,
- (c) a Deputy Governor for monetary policy,
- (d) a Deputy Governor for prudential regulation, and
- (e) not more than 9 non-executive directors.]

(2A) [...]

Section 1(2) introduced by section 1(1) of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes and replaced previous sections 1(2) and 1(2A).

(3) [...]

Section 1(3) repealed by section 114(2) and Schedule 19 of the Financial Services Act 2012.

(4) Schedule 1 shall have effect with respect to the court.

2 Functions of court of directors

(1) The court of directors of the Bank shall manage the Bank's affairs, other than the formulation of monetary policy.

(2) In particular, the court's functions under subsection (1) shall include determining the Bank's objectives (including objectives for its financial management) and strategy.

(3) In determining the Bank's objectives and strategy, the court's aim shall be to ensure the effective discharge of the Bank's functions.

(4) Subject to that, in determining objectives for the financial management of the Bank, the court's aim shall be to ensure the most efficient use of the Bank's resources.

[(5) Sections 2A and 11 set objectives for the Bank in relation to financial stability and monetary policy; and subsections (2) to (4) above are subject to those sections.]

Section 2(5) introduced by section 238(2) of the Banking Act 2009, which came into force on 1 June 2009.

[2A Financial Stability Objective

(1) An objective of the Bank shall be to [protect and enhance] the stability of the financial [system] of the United Kingdom (the "Financial Stability Objective").

Square-bracketed wording in section 2A(1) introduced by section 2(2) of the Financial Services Act 2012, which came into force on 1 April 2013.

(2) In pursuing the Financial Stability Objective the Bank shall aim to work with other relevant bodies (including the Treasury [the Financial Conduct Authority and the Prudential Regulation Authority]).

Square-bracketed wording in section 2A(2) introduced by section 2(3) of the Financial Services Act 2012, which came into force on 1 April 2013.

(3) [...]

Wording in section 2A(3) omitted by section 2(4) of the Financial Services Act 2012, which came into force on 1 April 2013.

Section 2A originally introduced by section 238(1) of the Banking Act 2009, which came into force on 1 June 2009.

Sections 2B and 2C (both sections relating to the Financial Stability Committee) repealed by section 4(4) of the Financial Services Act 2012, which came into force on 1 April 2013.

[3A Oversight Committee

(1) There is to be a sub-committee of the court of directors of the Bank ("the Oversight Committee") consisting of the non-executive directors of the Bank.

- (2) The functions of the Oversight Committee are –
- (a) keeping under review the Bank's performance in relation to –
 - (i) the Bank's objectives (that is, the objectives specified in relation to it in this Act and the other objectives for the time being determined by the court of directors of the Bank),
 - (ii) the duty of the Financial Policy Committee under section 9C, and
 - (iii) the Bank's strategy as for the time being determined by the court of directors of the Bank (including its financial stability strategy);
 - (b) monitoring the extent to which the objectives set by the court of directors of the Bank in relation to the Bank's financial management have been met;
 - (c) keeping under review the internal financial controls of the Bank with a view to securing the proper conduct of its financial affairs;
 - (d) the functions conferred on the Oversight Committee by the provisions listed in subsection (4).
- (3) The court of directors of the Bank may arrange for specified functions of the Bank to be discharged by the Oversight Committee.
- (4) The provisions referred to in subsection (2)(d) are –
- (a) section 9B (review of procedures followed by Financial Policy Committee);
 - (b) section 16 (review of procedures followed by Monetary Policy Committee);
 - (c) paragraph 14 of Schedule 1 (remuneration of Governor and Deputy Governors);
 - (d) paragraph 5 of Schedule 2A (terms and conditions of office of members of Financial Policy Committee appointed under section 9B(1)(e));
 - (e) paragraph 9 of that Schedule (removal of members of Financial Policy Committee appointed under section 9B(1)(d) or (e));
 - (f) paragraph 4(2) of Schedule 3 (terms and conditions of office of members of Monetary Policy Committee appointed under section 13(2)(c));
 - (g) paragraph 9 of that Schedule (removal of members of Monetary Policy Committee appointed under section 13(2)(b) or (c));
 - (h) paragraph 15 of Schedule 1ZB to the Financial Services and Markets Act 2000 (terms of service and remuneration of members of the governing body of the Prudential Regulation Authority).

3B Oversight Committee: procedure

- (1) The chair of the court (designated under paragraph 13 of Schedule 1) is to chair meetings of the Oversight Committee (when present).
- (2) The Committee is to determine its own procedure, but this is subject to subsection (1) and subsection (5).
- (3) The Committee may invite other persons to attend, or to attend and speak at, any meeting of the Committee.
- (4) The Committee may delegate any of its functions to two or more of its members.
- (5) If a member of the Committee (“M”) has any direct or indirect interest (including any reasonably likely future interest) in any dealing or business which falls to be considered by the Committee –

(a) M must disclose that interest to the Committee when it considers that dealing or business, and

(b) the Committee must decide whether M is to be permitted to participate in any proceedings of the Committee relating to any question arising from its consideration of the dealing or business, and if so to what extent and subject to what conditions (if any).

3C Reviews

- (1) In the discharge of any of its functions, the Oversight Committee may arrange –
 - (a) for a review to be conducted under this section in relation to any matter by a person appointed by the Committee, and
 - (b) for the person conducting the review to make one or more reports to the Committee.
- (2) The persons who may be appointed to conduct a review include an officer or employee of the Bank.
- (3) A review under this section is a “performance review” if it –
 - (a) is arranged by the Committee in the discharge of any of its functions under section 3A(2)(a) and (b), and
 - (b) relates to past events.
- (4) If the person to be appointed to conduct a performance review is an officer or employee of the Bank, the appointment requires the consent of the Governor of the Bank.
- (5) In the case of a performance review, the Committee must have regard to the desirability of ensuring that sufficient time has elapsed –

(a) for the review to be effective, and

(b) to avoid the review having a material adverse effect on the exercise by the Bank of its functions.

3D Publication of reports of performance reviews

(1) The Bank must give the Treasury a copy of any report made to the Oversight Committee by a person appointed under section 3C to conduct a performance review (as defined by subsection (3) of that section).

(2) Subject to subsection (3), the Bank must also publish the report.

(3) Subsection (2) does not require the publication of information whose publication at the time when the report is made would in the opinion of the court of directors of the Bank be against the public interest.

(4) Where the court of directors decides under subsection (3) that publication of information at the time when the report is made would be against the public interest, it must keep under consideration the question of whether publication of the information would still be against the public interest.

(5) Where the court of directors decides that publication of any information is no longer against the public interest, the Bank must publish the information.

(6) The Treasury must lay before Parliament a copy of any report or other information published by the Bank under this section.

3E Recommendations resulting from review

(1) This section applies where a report made by a person appointed under section 3C to conduct a review makes recommendations to the Bank as to steps to be taken by it.

(2) The Oversight Committee must –

(a) monitor the Bank's response to the report, and

(b) if or to the extent that the Bank accepts the recommendations, monitor the implementation of the recommendations.

3F Oversight Committee: further provisions

(1) The documents to which the Oversight Committee is to have access in the discharge of its functions include documents considered, or to be considered, by the Financial Policy Committee or the Monetary Policy Committee.

(2) One or two members of the Oversight Committee may attend any meeting of the Financial Policy Committee or the Monetary Policy Committee, but a person attending by

virtue of this subsection may not speak unless invited to do so by the person chairing the meeting.

(3) Subsection (2) does not affect –

- (a) anything done in relation to the Financial Policy Committee by a member of that Committee who is also a member of the Oversight Committee,
- (b) the powers of the Financial Policy Committee under paragraph 13 of Schedule 2A, or
- (c) the powers of the Monetary Policy Committee under paragraph 13A of Schedule 3.

New sections 3A to 3F introduced by section 3(2) of the Financial Services Act 2012, which came into force on 1 April 2013, and replaced previous section 3 (functions to be carried out by non-executive members).

4 Annual report by the Bank

(1) As soon as practicable after the end of each of its financial years, the Bank shall make to the Chancellor of the Exchequer a report on its activities in that year.

(2) A report under this section shall, in particular, contain –

- (a) [a report by the Oversight Committee on the matters for which it is responsible,]

Square-bracketed wording introduced by section 3(3) of the Financial Services Act 2012, which came into force on 1 April 2013.

- [(aa) a report by the court of directors on the activities of the Financial Policy Committee of the Bank, and]

Square-bracketed wording introduced by section 4(3) of the Financial Services Act 2012, which came into force on 1 April 2013.

- (b) a copy of the statement for the year prepared under section 7(2) and the report of the Bank's auditors on it.

(3) The report mentioned in subsection (2)(a) shall, in particular, include a review of the Bank's performance in relation to its objectives and strategy, as determined by the court of directors of the Bank, in the financial year to which the report under this section relates.

(4) A report under this section shall also contain –

- (a) a statement of the rate or rates at which [non-executive directors] of the Bank have been remunerated in the financial year to which the report relates, and
- (b) a statement of the Bank's objectives and strategy, as determined by the court of directors of the Bank, for the financial year in which the report is made.

Square-bracketed wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

(5) The Bank shall publish every report under this section in such manner as it thinks appropriate.

(6) The Chancellor of the Exchequer shall lay copies of every report under this section before Parliament.

5 Custody and use of the seal

(1) The court of directors of the Bank shall have custody of the Bank's seal.

(2) The seal shall only be affixed to an instrument if the affixation has been authorised by the court or by a sub-committee of the court acting in exercise of delegated authority.

(3) The affixing of the seal shall be attested by the signature of –

(a) two members of the court,

(b) one member of the court and the secretary to the court, or

(c) two other officers of the Bank authorised by the court for the purpose.

Financial arrangements

6 Cash ratio deposits

Schedule 2 (which makes provision about the maintenance of cash deposits with the Bank by certain financial institutions) shall have effect.

7 Accounts

(1) The Bank shall keep proper accounts and records in relation to the accounts.

(2) The Bank shall prepare for each of its financial years a statement of accounts consisting of –

(a) a balance sheet as at the last day of the year, and

(b) a profit and loss account.

(3) In preparing accounts under subsection (2), the Bank shall be subject to requirements corresponding to the relevant Companies Act requirements, except insofar as the accounts relate to the Issue Department.

(4) The Bank may disregard a requirement to which it is subject under subsection (3) to the extent that it considers it appropriate to do so having regard to its functions.

(5) The Bank shall appoint an auditor or auditors to audit its accounts, including any statement under subsection (2).

(6) As soon as practicable after receiving the report of its auditors on a statement prepared under subsection (2), the Bank shall send a copy of –

(a) the report, and

(b) the statement,

to the Chancellor of the Exchequer.

(7) The Treasury may by notice in writing to the Bank require it to publish in such manner as it thinks fit such additional information relating to its accounts as the Treasury may specify in the notice, including information which the Bank has excluded under subsection (4) from a statement under subsection (2).

(8) The Treasury shall consult the Bank before giving a notice under subsection (7).

(9) In subsection (3), the reference to the relevant Companies Act requirements is to the requirements to which the directors of a company which is a banking company for the purposes of [the Companies Act 2006] are for the time being subject under that Act [(except sections 412 and 413 (directors' benefits))] in relation to the preparation of accounts under [section 394] of that Act.

Square-bracketed wording introduced by Articles 3(1)(b) and 6 and Schedule 1, Part 2, para 205(1) of The Companies Act 2006 (Consequential Amendments etc) Order 2008 (SI 2008 No.948). By virtue of the transitional provisions and savings in (i) the aforementioned Order (in particular in Articles 6 and 12) and (ii) The Companies Act 2006 (Commencement No. 5, Transitional Provisions and Savings) Order 2007 (SI 2007 No.3495) (in particular in Article 9 and Schedule 4, para 6), the new provisions apply to accounts for financial years beginning on or after 6 April 2008.

8 Payments in lieu of dividends

(1) In section 1 of the Bank of England Act 1946, in subsection (4), of dividends (amount payable to Treasury in lieu of dividends on Bank stock), for the words from “the sum” to the end there is substituted “a sum equal to 25 per cent. of the Bank’s net profits for its previous financial year, or such other sum as the Treasury and the Bank may agree.”

(2) In that section, at the end there is inserted –

“(6) In subsection (4) of this section, the reference to the Bank’s net profits for its previous financial year is to the profits shown in the audited accounts for that year less the amount of the tax charge so shown.”

(3) In Schedule 1 to that Act (supplemental provisions), after paragraph 11 there is inserted –

“11 A – (1) If, when a payment falls to be made under section 1(4) of this Act, the Bank’s accounts for the previous financial year have not been audited, the payment shall be made on the basis of the Bank’s estimate of the relevant amounts.

(2) If an amount estimated under sub-paragraph (1) of this paragraph differs from the amount shown in the audited accounts, an appropriate adjustment shall be made to the next payment under section 1(4) of this Act to be made after the difference becomes apparent.”

(4) In that Schedule, for paragraph 14 there is substituted –

“14. Any sum paid by the Bank to the Treasury in lieu of dividends shall be allowed as a deduction in assessing the Bank to corporation tax for the accounting period by reference to which the payment is calculated.”

Supplementary

9 Consequential amendments

(1) In section 14 of the National Debt Reduction Act 1786 and section 32 of the Life Annuities Act 1808, for “deputy governor” there is substituted “deputy governors”.

(2) In section 55 of the National Debt Act 1870, the first reference to the Deputy Governor of the Bank of England shall be treated as a reference to a Deputy Governor of the Bank of England.

The reference has since been amended by the Government Stock (Consequential and Transitional Provision) (No 2) Order 2004 (SI 2004 No 1662), Article 2 and the Schedule, para 3(7).

(3) In section 3(3) of the Bank of England Act 1946, after “this Act” there is inserted “and the Bank of England Act 1998”.

[PART IA

FINANCIAL STABILITY

Financial stability strategy of the Bank

9A Financial stability strategy

(1) The court of directors must –

(a) determine the Bank’s strategy in relation to the Financial Stability Objective (its “financial stability strategy”), and

(b) from time to time review, and if necessary revise, the strategy.

(2) Before determining or revising the Bank’s financial stability strategy, the court of directors must consult about a draft of the strategy or of the revisions –

- (a) the Financial Policy Committee, and
 - (b) the Treasury.
- (3) The Financial Policy Committee may at any time make recommendations to the court of directors as to the provisions of the Bank's financial stability strategy.
- (4) The court of directors must determine the financial stability strategy of the Bank within 6 months of the coming into force of this section.
- (5) The court of directors must carry out and complete a review of the Bank's financial stability strategy before the end of each relevant period.
- (6) The relevant period is 3 years beginning with the date on which the previous review was completed, except that in the case of the first review the relevant period is the period of 3 years beginning with the date on which the strategy was determined under subsection (4).
- (7) The Bank must publish its financial stability strategy.
- (8) If the financial stability strategy is revised, the Bank must publish the revised strategy.
- (9) Publication under subsection (7) or (8) is to be in such manner as the Bank thinks fit.

Financial Policy Committee of the Bank

9B Financial Policy Committee

- (1) There is to be a sub-committee of the court of directors of the Bank (the "Financial Policy Committee") consisting of –
- (a) the Governor of the Bank,
 - (b) the Deputy Governors of the Bank,
 - (c) the Chief Executive of the FCA,
 - (d) one member appointed by the Governor of the Bank after consultation with the Chancellor of the Exchequer,
 - (e) 4 members appointed by the Chancellor of the Exchequer, and
 - (f) a representative of the Treasury.
- (2) The member appointed under subsection (1)(d) is to be a person who has executive responsibility within the Bank for the analysis of threats to financial stability.
- (3) Before appointing a person under subsection (1)(e), the Chancellor of the Exchequer must –

(a) be satisfied that the person has knowledge or experience which is likely to be relevant to the Committee's functions, and

(b) consider whether the person has any financial or other interests that could substantially affect the functions as member that it would be proper for the person to discharge.

(4) The Oversight Committee must keep the procedures followed by the Financial Policy Committee under review.

(5) Schedule 2A has effect with respect to the Financial Policy Committee.

9C Objectives of the Financial Policy Committee

(1) The Financial Policy Committee is to exercise its functions with a view to –

(a) contributing to the achievement by the Bank of the Financial Stability Objective, and

(b) subject to that, supporting the economic policy of Her Majesty's Government, including its objectives for growth and employment.

(2) The responsibility of the Committee in relation to the achievement by the Bank of the Financial Stability Objective relates primarily to the identification of, monitoring of, and taking of action to remove or reduce, systemic risks with a view to protecting and enhancing the resilience of the UK financial system.

(3) Those systemic risks include, in particular –

(a) systemic risks attributable to structural features of financial markets, such as connections between financial institutions,

(b) systemic risks attributable to the distribution of risk within the financial sector, and

(c) unsustainable levels of leverage, debt or credit growth.

(4) Subsections (1)(a) and (2) do not require or authorise the Committee to exercise its functions in a way that would in its opinion be likely to have a significant adverse effect on the capacity of the financial sector to contribute to the growth of the UK economy in the medium or long term.

(5) In this Part “systemic risk” means a risk to the stability of the UK financial system as a whole or of a significant part of that system.

(6) For the purposes of subsection (5) it is immaterial whether the risk arises in the United Kingdom or elsewhere.

(7) In subsection (3)(c) –

“credit growth” means the growth in lending by the financial sector to individuals in the United Kingdom and businesses carried on in the United Kingdom;

“debt” means debt owed to the financial sector by individuals in the United Kingdom and businesses carried on in the United Kingdom;

“leverage” means the leverage of the financial sector in the United Kingdom.

9D Specification of matters relevant to economic policy

(1) The Treasury may by notice in writing to the Financial Policy Committee specify for the purposes of section 9C (1)(b) what the economic policy of Her Majesty’s Government is to be taken to be.

(2) The Treasury must specify under subsection (1) the matter mentioned there –

(a) before the end of the period of 30 days beginning with the day on which section 9C comes into force, and

(b) at least once in every calendar year following that in which the first notice under that subsection is given.

(3) Where the Treasury give notice under this section they must –

(a) publish the notice in such manner as they think fit, and

(b) lay a copy of it before Parliament.

9E Recommendations by Treasury

(1) The Treasury may at any time by notice in writing to the Financial Policy Committee make recommendations to the Committee about –

(a) matters that the Committee should regard as relevant to the Committee’s understanding of the Bank’s Financial Stability Objective;

(b) the responsibility of the Committee in relation to the achievement of that objective;

(c) the responsibility of the Committee in relation to support for the economic policy of Her Majesty’s Government, including its objectives for growth and employment;

(d) matters to which the Committee should have regard in exercising its functions.

(2) The Treasury must make recommendations under subsection (1)(a) or (b) (“recommendations about the objective”) –

(a) before the end of the period of 30 days beginning with the day on which this section comes into force, and

(b) at least once in every calendar year following that in which the first recommendations about the objective are made.

(3) The Committee must respond to any recommendations made to it under subsection (1) by notifying the Treasury, in relation to each recommendation, of one or more of the following –

(a) action that the Committee has taken in accordance with the recommendation;

(b) if or to the extent that the recommendation does not relate to immediate action, the Committee's intention to act in accordance with it;

(c) whether or not the recommendation relates to immediate action, the Committee's reasons for not intending to act in accordance with it.

(4) Notification under subsection (3) must be given or confirmed in writing.

(5) The Treasury must –

(a) publish in such manner as they think fit any notice given under subsection (1) or notification received under subsection (3), and

(b) lay a copy of it before Parliament.

9F Other general duties

(1) In the exercise of its functions, other than its functions under section 9A(2) or (3), the Financial Policy Committee must have regard to the Bank's financial stability strategy.

(2) In working with the FCA or the PRA or exercising functions in relation to either of them, the Committee must, so far as it is possible to do so while complying with section 9C(1), seek to avoid exercising the Committee's functions in a way that would prejudice –

(a) the advancement by the FCA of any of its operational objectives, or

(b) the advancement by the PRA of any of its objectives.

(3) In the exercise of its functions, the Committee must also have regard to –

(a) the principle that a burden or restriction which is imposed on a person, or on the carrying on of an activity, should be proportionate to the benefits, considered in general terms, which are expected to result from the imposition of that burden or restriction;

(b) the contribution to the achievement by the Bank of the Financial Stability Objective that the Committee can make by disclosing its views about possible systemic risks or disclosing other information about possible systemic risks;

(c) the international obligations of the United Kingdom, particularly where relevant to the exercise of the powers of the Committee in relation to the FCA or the PRA.

9G Functions of the Financial Policy Committee

(1) The functions of the Financial Policy Committee are –

(a) monitoring the stability of the UK financial system with a view to identifying and assessing systemic risks;

(b) giving directions under section 9H;

(c) making recommendations under sections 9O to 9R;

(d) preparing financial stability reports under section 9W.

(2) The court of directors may, with the consent of the Treasury, arrange for specified functions of the Bank to be discharged by the Financial Policy Committee.

Directions by Financial Policy Committee

9H Directions to FCA or PRA requiring macro-prudential measures

(1) The Financial Policy Committee may give a direction to the FCA or the PRA (“the regulator”) requiring the regulator to exercise its functions so as to ensure the implementation, by or in relation to a specified class of regulated persons, of a macro-prudential measure described in the direction.

(2) “Regulated person” means –

(a) in relation to the FCA –

(i) an authorised person within the meaning of FSMA 2000,

(ii) a recognised investment exchange within the meaning of that Act, or

(iii) an EEA market operator as defined by section 312D of that Act;

(b) in relation to the PRA, a PRA-authorised person within the meaning of that Act.

(3) “Macro-prudential measure” is to be read in accordance with section 9L.

(4) The direction may relate to all regulated persons or to regulated persons of a specified description, but may not relate to a specified regulated person.

(5) The direction –

(a) may refer to the opinion of the regulator or require or authorise the exercise of a discretion by the regulator;

(b) may be expressed to remain in force for a specified period or until revoked.

(6) The direction may not require its provisions to be implemented by specified means or within a specified period, but may include recommendations as to the means to be used and the timing of implementation.

(7) A recommendation made under subsection (6) may be expressed to be one to which section 9Q (3) (duty to comply or explain) applies.

(8) The direction may not require the regulator to do anything that it has no power to do, but the existence of the direction is relevant to the exercise of any discretion conferred on the regulator.

(9) The direction may specify particular matters to which the regulator is or is not to have regard in complying with the direction, but those matters must be specified in relation to all regulated persons or a class of regulated person rather than a specified regulated person.

(10) The direction may refer to a publication issued by the FCA, the PRA, another body in the United Kingdom or an international organisation, as the publication has effect from time to time.

9I Compliance with directions under section 9H

(1) The regulator must comply with a direction given to it under section 9H as soon as reasonably practicable.

(2) An order under section 9L may, in relation to cases where the regulator is complying with a direction under section 9H, exclude or modify any procedural requirement that would otherwise apply under FSMA 2000 in relation to the exercise by the regulator of its functions in pursuance of the direction.

(3) The regulator to which a direction under section 9H is given must give the Financial Policy Committee one or more reports on how it is complying or has complied with the direction.

(4) The Financial Policy Committee may give directions to the regulator specifying the times by which reports required by subsection (3) must be given to the Committee.

(5) “Regulator” has the same meaning as in section 9H.

9J Revocation of directions under section 9H

- (1) The Financial Policy Committee may at any time by notice to the regulator revoke a direction under section 9H.
- (2) A direction under section 9H is to be taken to be revoked if the measure to which it relates ceases to be a macro-prudential measure, but this is subject to any provision made under section 9L (4)(e).
- (3) The revocation of a direction under section 9H does not affect the validity of anything previously done in accordance with it.
- (4) “Regulator” has the same meaning as in section 9H.

9K Further provisions about directions under section 9H

- (1) Each of the following must be in writing –
 - (a) a direction under section 9H;
 - (b) a notice revoking such a direction;
 - (c) a report under section 9I (3).
- (2) The Financial Policy Committee must give the Treasury a copy of any direction under section 9H or any notice revoking such a direction.
- (3) The Treasury may, if they think fit, lay before Parliament a copy of a direction under section 9H or a notice revoking such a direction.
- (4) Where a direction under section 9H, or a notice revoking such a direction, is included in a record published under section 9U, the Treasury must, if they have not already done so, lay before Parliament a copy of the direction or notice in the form in which it is published in the record.

9L Macro-prudential measures

- (1) For the purposes of section 9H a “macro-prudential measure” is a measure prescribed by the Treasury by order.
- (2) Before making an order under this section, the Treasury must –
 - (a) consult the Financial Policy Committee, or
 - (b) if the Treasury consider that the delay involved in consulting the Committee would be prejudicial to the stability of the UK financial system, consult the Governor of the Bank.

(3) In prescribing a measure, the order must specify whether the measure is prescribed in relation to the FCA, the PRA, or both.

(4) An order under this section –

(a) may make different provision for different cases;

(b) may confer a discretion on the Financial Policy Committee, the FCA or the PRA;

(c) may refer to rules made by the FCA or the PRA;

(d) may refer to a publication issued by the FCA, the PRA, another body in the United Kingdom or an international organisation, as the publication has effect from time to time;

(e) may contain transitional provisions and savings relating to the coming into force of any provision of the order or to the ceasing to be in force of any temporary provision made by the order.

9M Statements of policy by Financial Policy Committee

(1) In relation to each macro-prudential measure prescribed under section 9L, the Financial Policy Committee must prepare and maintain a written statement of the general policy that it proposes to follow in relation to the exercise of its power of direction under section 9H so far as it relates to that measure.

(2) The Committee may at any time alter or replace a statement maintained under this section.

(3) The Bank must publish each statement maintained under this section.

(4) Publication is to be in such manner as the Bank thinks fit.

(5) Nothing in this section is to be regarded as preventing the Financial Policy Committee from exercising its power of direction under section 9H in relation to a macro-prudential measure, where it considers it necessary to do so by reason of urgency, before it has prepared a statement under this section in relation to that measure.

9N Parliamentary control of orders under section 9L

(1) Except as provided by subsection (2), an order under section 9L is not to be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

(2) An order under section 9L may be made without a draft having been laid and approved as mentioned in subsection (1) if the order contains a statement that the Treasury are of the opinion that, by reason of urgency, it is necessary to make the order without a draft being so laid and approved.

- (3) An order under section 9L made in accordance with subsection (2) –
- (a) must be laid before Parliament after being made, and
 - (b) ceases to have effect at the end of the relevant period unless before the end of that period the order is approved by a resolution of each House of Parliament (but without affecting anything done under the order or the power to make a new order).
- (4) The “relevant period” is a period of 28 days beginning with the day on which the order is made.
- (5) In reckoning the relevant period no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than 4 days.

Recommendations by Financial Policy Committee

9O Making of recommendations within the Bank

- (1) The Financial Policy Committee may make recommendations within the Bank.
- (2) The recommendations may, in particular, relate to –
- (a) the provision by the Bank of financial assistance to financial institutions;
 - (b) the exercise by the Bank of its functions in relation to payment systems, settlement systems and clearing houses.
- (3) The Committee may not make recommendations about –
- (a) the provision by the Bank of financial assistance in relation to a particular financial institution, or
 - (b) the exercise by the Bank of its powers under Parts 1 to 3 of the Banking Act 2009 in relation to a particular institution.
- (4) The recommendations must be made or confirmed in writing.

9P Recommendations to Treasury

- (1) The Financial Policy Committee may make recommendations to the Treasury.
- (2) The recommendations may, in particular, relate to the exercise by the Treasury of their power to make orders under –
- (a) section 9L (macro-prudential measures),
 - (b) section 22(1) or (1A) of FSMA 2000 (regulated activities),

(c) section 22A(1) of that Act (designation of activities requiring prudential regulation by PRA),

(d) section 137D(1)(b) of that Act (purposes for which FCA may make product intervention rules), or

(e) section 165A(2)(d) of that Act (additional persons who may be required by PRA to provide information).

(3) The recommendations must be made or confirmed in writing.

(4) The Committee may make a recommendation under subsection (2)(e) only if it considers that the exercise by the Treasury of their power to make an order under section 165A(2)(d) of FSMA 2000 in the manner proposed is desirable for the purposes of the exercise by the Committee of its functions.

(5) Before giving a recommendation under subsection (2)(e), the Committee must consult the Treasury.

9Q Recommendations to FCA and PRA

(1) The Financial Policy Committee may make recommendations to the FCA and the PRA about the exercise of their respective functions.

(2) The recommendations may relate to all regulated persons or to regulated persons of a specified description, but may not relate to the exercise of the functions of the FCA or the PRA in relation to a specified regulated person.

(3) If the recommendations are expressed to be recommendations to which this subsection applies, the body to which they are made must as soon as reasonably practicable –

(a) act in accordance with the recommendations, or

(b) if to any extent it does not, notify the Committee of the extent to which it has not acted in accordance with the recommendations and of the reasons for its decision.

(4) The recommendations, and any notification under subsection (3)(b), must be made or confirmed in writing.

(5) “Regulated person” has the same meaning as in section 9H.

9R Recommendations to other persons

(1) The Financial Policy Committee may make recommendations to persons other than those mentioned in sections 9O to 9Q.

(2) The recommendations must be made or confirmed in writing.

Explanation

9S Duty to prepare explanation

(1) In connection with the exercise of any of the specified powers, the Financial Policy Committee must prepare an explanation of –

(a) the reasons for the Committee's decision to exercise the power, in the way in which it is being exercised, and

(b) the Committee's reasons for believing that the exercise of the power, in the way in which it is being exercised, is compatible with the duties of the Committee under the following provisions –

(i) section 9C(1) (as read with section 9C(4)), and

(ii) section 9F.

(2) The specified powers are –

(a) the power to give a direction under section 9H;

(b) the power to make recommendations under section 9O, so far as relating to the exercise of the Bank's functions in relation to payment systems, settlement systems and clearing houses;

(c) the power to make recommendations under section 9P, so far as relating to the exercise by the Treasury of their power to make orders under any of the provisions mentioned in subsection (2) of that section;

(d) the power to make recommendations under section 9Q.

(3) The explanation required by subsection (1) in relation to the duty in section 9F (3)(a) must include an estimate of the costs and an estimate of the benefits that would arise from compliance with the direction or recommendation in question, unless in the opinion of the Committee it is not reasonably practicable to include such an estimate.

Review

9T Duty to review directions and recommendations

(1) The Financial Policy Committee must –

(a) before the end of each review period, review each direction given by it under section 9H, other than a direction revoked before the end of the review period, and

(b) prepare a summary of its conclusions.

- (2) A review period is –
- (a) in relation to the first review, the period of 12 months beginning with the day on which the direction was given, and
 - (b) in relation to subsequent reviews, the period of 12 months beginning with the day on which the previous review was completed.
- (3) The Financial Policy Committee must maintain arrangements for the review at regular intervals of any recommendations that it has made under any of sections 9O to 9R and are of continuing relevance.
- (4) The purpose of a review is –
- (a) in the case of a direction, to consider whether the direction ought to be revoked, and
 - (b) in the case of a recommendation, to consider whether the recommendation ought to be withdrawn.

Publication of record of meetings

9U Publication of record of meetings

- (1) The Bank must publish a record of each meeting of the Financial Policy Committee before the end of the period of 6 weeks beginning with the day of the meeting.
- (2) The record must specify any decisions taken at the meeting (including decisions to take no action) and must set out, in relation to each decision, a summary of the Committee's deliberations.
- (3) The decisions referred to in subsection (2) include in particular a decision –
- (a) to give or revoke a direction under section 9H;
 - (b) to make recommendations under any of sections 9O to 9R.
- (4) Where a decision has been made to give or revoke a direction under section 9H, the record must include the text of the direction or of the notice of revocation.
- (5) Where a decision has been made to make recommendations under any of sections 9O to 9R, the record must include the recommendations.
- (6) Where since the previous meeting the Committee has received a notification under section 9Q (3)(b), the record must include the notification.
- (7) The information required by subsections (1) and (2) does not include information identifying particular members of the Committee.

- (8) Subsections (1) to (6) do not require the publication of –
- (a) information about any recommendations made under 9O (2)(a);
 - (b) information whose publication within the time required by subsection (1) would in the opinion of the Committee be against the public interest;
 - (c) information about any decision under paragraph (b);
 - (d) information about a decision to give a direction under section 9H which has been revoked before the record of the meeting at which it was given is published;
 - (e) information about the decision to revoke a direction where information about the direction is withheld under paragraph (d).
- (9) Publication under this section or section 9V is to be in such manner as the Bank thinks fit.

9V Deferred publication

- (1) Where the Financial Policy Committee decides under subsection (8)(b) of section 9U that publication of information within the time required by subsection (1) of that section would be against the public interest –
- (a) it must consider whether to fix a date as the earliest date on which the information may be published, and
 - (b) if it does not fix a date, it must keep under consideration the question whether publication of the information would still be against the public interest.
- (2) The Committee must from time to time determine the procedures that it will follow in complying with the duty in subsection (1)(b).
- (3) Where the Committee –
- (a) fixes a date under subsection (1)(a) as the earliest date on which any information may be published, or
 - (b) decides under subsection (1)(b) that publication of any information is no longer against the public interest,

the Bank must publish the information at the time when it next publishes under section 9U (1) the record of a meeting of the Committee.

Financial stability reports by Financial Policy Committee

9W Financial stability reports by Financial Policy Committee

- (1) The Financial Policy Committee must prepare and publish reports relating to financial stability (“financial stability reports”).
- (2) Two financial stability reports must be published in each calendar year.
- (3) A financial stability report must include –
 - (a) the Committee’s view of the stability of the UK financial system at the time when the report is prepared,
 - (b) an assessment of the developments that have influenced the current position,
 - (c) an assessment of the strengths and weaknesses of the UK financial system,
 - (d) an assessment of risks to the stability of the UK financial system, and
 - (e) the Committee’s view of the outlook for the stability of the UK financial system.
- (4) A financial stability report must also include –
 - (a) a summary of the activities of the Committee in the reporting period, and
 - (b) an assessment of the extent to which the exercise by the Committee of its functions (both during the reporting period and previously) has succeeded during the reporting period in achieving the objectives set out in section 9C (1)(a) and (b).
- (5) If during the reporting period the Committee has made any decision in relation to which section 9S requires the preparation of an explanation, the financial stability report must include the required explanation.
- (6) If during the reporting period the Committee has completed the review of a direction or recommendation, the financial stability report must include a summary of the review.
- (7) The reporting period is the period since the date of the previous financial stability report, except that in the case of the first financial stability report it is the period since the time when this section came fully into force.
- (8) Nothing in subsections (3) to (6) is to be regarded as requiring the Committee to include in a financial stability report any information whose publication would in the Committee’s opinion be against the public interest.
- (9) The Committee must give a copy of each financial stability report to the Treasury.
- (10) The Treasury must lay before Parliament a copy of each financial stability report.

(11) Publication of a financial stability report is to be in such manner as the Bank thinks fit.

Meetings between Governor and Chancellor of the Exchequer

9X Meetings between Governor and Chancellor of the Exchequer

(1) As soon as reasonably practicable after the publication by the Financial Policy Committee of a financial stability report, the Governor of the Bank and the Chancellor of the Exchequer must meet to discuss the report and any other matters relating to the stability of the UK financial system that they consider it appropriate to discuss.

(2) The Treasury must publish a record of each meeting required by subsection (1) before the end of the period of 6 weeks beginning with the day of the meeting.

(3) Publication under subsection (2) is to be in such manner as the Treasury think fit.

(4) Subsection (2) does not require the publication of information whose publication within the time required by that subsection would in the opinion of the Treasury be against the public interest.

(5) Before publishing the record of a meeting required by subsection (1), or deciding under subsection (4) not to publish such a record, the Treasury must consult the Bank about the record and its publication.

Power of Bank to require FCA or PRA to provide information

9Y Directions requiring information or documents

(1) The Bank may exercise the powers conferred by this section where it considers that information or documents are reasonably required in connection with the exercise by the Bank of its functions in pursuance of the Financial Stability Objective.

(2) The Bank may give a direction to the FCA or the PRA (“the regulator”) requiring the regulator –

(a) to provide the Bank with specified information or information of a specified description, or

(b) to produce to the Bank specified documents or documents of a specified description.

(3) The direction may relate to information or documents which are held by persons other than the regulator and which the regulator has power to obtain or whose production the regulator has power to require.

(4) Any information or documents to which the direction relates are –

(a) where the information or documents are held by a person in relation to whom the powers conferred by subsections (1) and (3) of section 165 of FSMA 2000 are exercisable, to be taken to be information or documents to which that section applies by virtue of subsection (4) of that section, and

(b) where they are held by a person to whom section 165A of FSMA 2000 applies and the direction is given to the PRA, to be taken to be information or documents to which that section applies by virtue of subsection (3) of that section.

(5) The information or documents must be provided or produced before the end of such period as may be specified.

(6) The Bank may require any information provided under this section to be provided in such form as it may require.

(7) The Bank may require –

(a) any information provided, whether in a document or otherwise, to be verified in such manner as it may require;

(b) any document produced to be authenticated in such manner as it may require.

9Z Further provisions about directions under section 9Y

(1) In the exercise of its functions under section 9Y, the Bank must have regard to the principle that a burden or restriction which is imposed on a person, or on the carrying on of an activity, should be proportionate to the benefits, considered in general terms, which are expected to result from the imposition of that burden or restriction.

(2) Before giving a direction under section 9Y to the FCA or the PRA (“the regulator”), the Bank must consult the regulator.

(3) A direction under section 9Y must be in writing, and may be revoked by a notice in writing.

(4) As soon as practicable after giving a direction under section 9Y, the Bank must publish the direction in such manner as it thinks appropriate for bringing the direction to the attention of persons (other than the regulator to which it is given) who may be affected by it.

(5) Subsection (4) does not require the publication of information whose publication at the time required by that subsection would in the opinion of the Bank be against the public interest.

(6) Where the Bank decides under subsection (5) that publication of any information would be against the public interest, it must from time to time review that decision and if it subsequently decides that publication is no longer against the public interest it must comply with subsection (4).

Supplementary

9ZA Interpretation of Part 1A

In this Part –

“the FCA” means the Financial Conduct Authority;

“financial assistance” has the meaning given by section 257(1) of the Banking Act 2009;

“the Financial Policy Committee” means the Financial Policy Committee of the Bank of England;

“the financial sector” means financial institutions generally;

“FSMA 2000” means the Financial Services and Markets Act 2000;

“the PRA” means the Prudential Regulation Authority;

“systemic risk” has the meaning given by section 9C(5);

“the UK economy” means the economy of the United Kingdom;

“the UK financial system” means the financial system of the United Kingdom.”]

Part 1A introduced by section 4(1) of the Financial Services Act 2012, which came into force on 24 January 2013 (for the purposes of making Orders and Regulations pursuant to sections 9I(2), 9L and 9N of the 1998 Act and for the purposes of inserting section 9ZA of the 1998 Act), on 19 February 2013 (for the purposes of making appointments pursuant to section 9B of the 1998 Act) and on 1 April 2013 for all other purposes.

PART II

MONETARY POLICY

Role of the Bank

10 Operational responsibility

In section 4(l) of the Bank of England Act 1946 (power of the Treasury to give directions to the Bank), at the end there is inserted “, except in relation to monetary policy”.

11 Objectives

In relation to monetary policy, the objectives of the Bank of England shall be –

(a) to maintain price stability, and

(b) subject to that, to support the economic policy of Her Majesty's Government, including its objectives for growth and employment.

12 Specifications of matters relevant to objectives

- (1) The Treasury may by notice in writing to the Bank specify for the purposes of section 11 –
- (a) what price stability is to be taken to consist of, or
 - (b) what the economic policy of Her Majesty's Government is to be taken to be.
- (2) The Treasury shall specify under subsection (1) both of the matters mentioned there –
- (a) before the end of the period of 7 days beginning with the day on which this Act comes into force, and
 - (b) at least once in every period of 12 months beginning on the anniversary of the day on which this Act comes into force.
- (3) Where the Treasury give notice under this section they shall –
- (a) publish the notice in such manner as they think fit, and
 - (b) lay a copy of it before Parliament.

Monetary Policy Committee of the Bank

13 Monetary Policy Committee

- (1) There shall be a committee of the Bank, to be known as the Monetary Policy Committee of the Bank of England, which shall have responsibility within the Bank for formulating monetary policy.
- (2) The Committee shall consist of –
- [(a) the Governor of the Bank,
 - (aa) the Deputy Governor for financial stability,
 - (ab) the Deputy Governor for monetary policy,]

New section 13(2)(a) introduced by section 1(2) of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

- (b) 2 members appointed by the Governor of the Bank after consultation with the Chancellor of the Exchequer, and
- (c) 4 members appointed by the Chancellor of the Exchequer.

(3) Of the 2 members appointed under subsection (2)(b) –

(a) one shall be a person who has executive responsibility within the Bank for monetary policy analysis, and

(b) the other shall be a person who has executive responsibility within the Bank for monetary policy operations.

(4) The Chancellor of the Exchequer shall only appoint a person under subsection (2)(c) if he is satisfied that the person has knowledge or experience which is likely to be relevant to the Committee's functions.

(5) Schedule 3 shall have effect with respect to the Committee.

14 Publication of statements about decisions

(1) As soon as practicable after each meeting of the Monetary Policy Committee, the Bank shall publish a statement as to whether it was decided at the meeting that the Bank should take any action, other than action by way of intervening in financial markets, for the purpose of meeting its objectives under section 11 and, if it was, what the action is.

(2) If, at any meeting, the Committee decides that the Bank should intervene in financial markets, it shall also consider at the meeting whether immediate publication of the decision would be likely to impede or frustrate the achievement of the intervention's purpose.

(3) If the Committee decides under subsection (2) that immediate publication of a decision would not have the effect mentioned there, the Bank shall, when it publishes a statement under subsection (1) about the meeting, publish a statement as to what action by way of intervening in financial markets the Committee has decided the Bank should take.

(4) If the Committee decides under subsection (2) that immediate publication of a decision would have the effect mentioned there, it shall keep under consideration the question of whether publication of the decision would still have that effect.

(5) As soon as practicable after the Committee has decided that publication of a decision which has not been the subject of a statement under subsection (3) would no longer have the effect mentioned in subsection (2), the Bank shall publish a statement as to what action by way of intervening in financial markets the Committee decided the Bank should take and when the decision was made.

(6) Publication under this section shall be in such manner as the Bank thinks fit.

15 Publication of minutes of meetings

(1) After each meeting of the Monetary Policy Committee, the Bank shall publish minutes of the meeting before the end of the period of 6 weeks beginning with the day of the meeting.

(2) Subsection (1) shall not apply to minutes of any proceedings relating to –

(a) a decision to intervene in financial markets, or

(b) a decision about the publication of a decision to intervene in financial markets,

unless the Committee has decided that publication of the decision to intervene would not be likely, or would no longer be likely, to impede or frustrate the achievement of the intervention's purpose.

(3) Minutes of proceedings relating to –

(a) a decision to intervene in financial markets, or

(b) a decision about the publication of a decision to intervene in financial markets, shall, if not required to be published before the end of the period of 6 weeks beginning with the day of the meeting be published by the Bank before the end of the period of 6 weeks beginning with the day on which a statement about the decision to intervene is published under section 14(5).

(4) Minutes published under this section shall record, in relation to any decision of the Committee, the voting preference of the members who took part in the vote on the decision.

[(4A) The Bank shall exclude from minutes published under this section information which relates to proceedings of the Financial Policy Committee if the Bank considers that publication of that information would be against the public interest.]

New section 15(4A) introduced by section 4(3) of the Financial Services Act 2012, which came into force on 1 April 2013.

(5) Publication under this section shall be in such manner as the Bank thinks fit.

16 Functions of [Oversight Committee]

(1) The [Oversight Committee] of the Bank shall keep the procedures followed by the Monetary Policy Committee under review.

(2) In particular, [the function of the Oversight Committee] under subsection (1) shall include determining whether [the Monetary Policy Committee] has collected the regional, sectoral and other information necessary for the purposes of formulating monetary policy.

[(3) ...]

Square-bracketed wording in sections 16(1) and (2) introduced by, and wording in section 16(3) omitted by, section 3(4) of the Financial Services Act 2012, which came into force on 1 April 2013.

Information and reports

17 Power to obtain information

(1) The Bank may by notice in writing require an undertaking to which this section applies to provide the Bank with such information as may be specified in the notice, being information about the relevant financial affairs of the undertaking which the Bank considers it necessary or expedient to have for the purposes of its functions under this Part.

(2) A notice under subsection (1) may require information to be provided –

- (a) in such form or manner as may be specified in the notice;
- (b) at such time or times as may be so specified;
- (c) in relation to such period or periods as may be so specified.

[(3) An undertaking is one to which this section applies if –

- (a) it has a place of business in the United Kingdom; and
- (b) it falls within subsection (3A), (3B), (3C) or (3D).

(3A) An undertaking falls within this subsection if it is a deposit-taker.

(3B) An undertaking falls within this subsection if it is not a deposit-taker but it –

- (a) falls within the subsector “other monetary financial institution”, as defined by paragraph 2.48 of Annex A to Council Regulation (EC) No.2223/96,
- (b) carries on a business of granting credits secured on land used for residential purposes,
- (c) has issued a debt security, or
- (d) has acted as an agent in connection with arranging or managing the issue of a debt security.

(3C) An undertaking falls within this subsection if it is a financial holding company.

(3D) An undertaking falls within this subsection if it is not a deposit-taker but continues to have a liability in respect of a deposit which was held by it in accordance with the Banking Act 1979 or the Banking Act 1987 or a permission under [Part 4A] of the Financial Services and Markets Act 2000.]

Previous wording in section 17(3) replaced by (and new subsections (3) to (3D) introduced by) article 161(2) of The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (SI 2001 No.3649), which came into force on 1 December 2001. The reference in section 17(3D) to Part 4A of FSMA introduced by section 114(1) and para 85(2) of Schedule 18 of the Financial Services Act 2012, which came into force on 1 April 2013.

(4) The Treasury may by order provide which financial affairs of an undertaking are relevant for the purposes of this section, and may make different provision for different undertakings or classes of undertaking.

(5) The Treasury may by order amend [subsections (3) to (3D)].

Words added by article 161(3) of SI 2001 No.3649.

(6) Before making an order under this section, the Treasury shall consult –

(a) the Bank,

(b) the [Statistics Board],

(c) such persons as appear to them to be representative of persons likely to be materially affected by the order, and

(d) such other persons as they consider appropriate.

The reference to the Statistics Board was introduced by section 60(1) and Schedule 3, para 10 of the Statistics and Registration Service Act 2007, which came into force on 1 April 2008 by virtue of The Statistics and Registration Service Act 2007 (Commencement No. 2 and Transitional Provision) Order 2008 (SI 2008 No.839).

[(7) “Deposit-taker” means –

(a) a person who has permission under [Part 4A] of the Financial Services and Markets Act 2000 to accept deposits; or

(b) an EEA firm of the kind mentioned in paragraph 5(b) or (c) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to accept deposits or other repayable funds.

The reference to Part 4A of FSMA introduced by section 114(1) and para 85(2) of Schedule 18 of the Financial Services Act 2012, which came into force on 1 April 2013.

(7A) “Debt security” means any instrument creating or acknowledging indebtedness (including a government or public security).

See also paragraph 8(2)(g) of Schedule 2 to The Uncertificated Securities (Amendment) (Eligible Debt Securities) Regulations 2003 (SI 2003 No.1633).

(7B) Subsections (7) and (7A) must be read with –

(a) section 22 of the Financial Services and Markets Act 2000;

(b) any relevant order under that section; and

(c) Schedule 2 to that Act.

[(7C) “Financial holding company” has the meaning given by Article 4(19) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions.]

(7D) “Undertaking” has the meaning given by [section 1161(1) of the Companies Act 2006].]

Previous wording in section 17(7) replaced by (and new subsections (7) to (7D) introduced by) article 161(4) of SI 2001 No.3649, which came into force on 1 December 2001.

New section 17(7C) introduced by Regulation 29(2) and paragraph 4 of Schedule 4 of The Capital Requirements Regulations 2006 (SI 2006 No.3221), which came into force on 1 January 2007.

The reference in section 17(7D) to section 1161(1) of the Companies Act 2006 was introduced by Articles 3(1)(b) and 6 and Schedule 1, Part 2, para 205(2) of The Companies Act 2006 (Consequential Amendments etc) Order 2008 (SI 2008 No.948), which came into force on 6 April 2008 by Articles 2(2) and 12 of the same Order.

18 Reports

(1) The Bank shall prepare and publish reports in accordance with the provisions of this section.

(2) A report under this section shall contain –

(a) a review of the monetary policy decisions published by the Bank in the period to which the report relates,

(b) an assessment of the developments in inflation in the economy of the United Kingdom in the period to which the report relates, and

(c) an indication of the expected approach to meeting the Bank’s objectives under section 11.

(3) A report under this section shall relate to –

(a) a period of 3 months, or

(b) such other period as the Treasury and the Monetary Policy Committee may agree.

(4) Periods to which reports under this section relate shall be successive, the first such period commencing on such day within the period of 3 months ending with the day on which this Act comes into force as the Treasury shall, after consultation with the Bank, specify in writing to it.

(5) No report under this section shall be published without the approval of the Monetary Policy Committee.

(6) A report under this section shall be published as soon as practicable after the end of the period to which it relates and in such manner as the Bank thinks fit.

Treasury's reserve powers

19 Reserve powers

- (1) The Treasury, after consultation with the Governor of the Bank, may by order give the Bank directions with respect to monetary policy if they are satisfied that the directions are required in the public interest and by extreme economic circumstances.
- (2) An order under this section may include such consequential modifications of the provisions of this Part relating to the Monetary Policy Committee as the Treasury think fit.
- (3) A statutory instrument containing an order under this section shall be laid before Parliament after being made.
- (4) Unless an order under this section is approved by resolution of each House of Parliament before the end of the period of 28 days beginning with the day on which it is made, it shall cease to have effect at the end of that period.
- (5) In reckoning the period of 28 days for the purposes of subsection (4), no account shall be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than 4 days.
- (6) An order under this section which does not cease to have effect before the end of the period of 3 months beginning with the day on which it is made shall cease to have effect at the end of that period.
- (7) While an order under this section has effect, section 11 shall not have effect.

Supplementary

20 Interpretation of Part II

In this Part, “the Monetary Policy Committee” means the Monetary Policy Committee of the Bank of England.

PART III

TRANSFER OF SUPERVISORY FUNCTIONS OF THE BANK TO THE FINANCIAL SERVICES AUTHORITY

Sections 21 to 30 are not reproduced in this booklet. Sections 21(a)(i) and (ii), (b) and (c), section 23(1)(in part) and sections 25 to 29 were repealed by article 162 of SI 2001 No.3649. Remainder of sections 21, 23(2) and 24 omitted by section 114(1) and para 85(3) of Schedule 18 of the Financial Services Act 2012, which came into force on 1 April 2013.

PART IV

MISCELLANEOUS AND GENERAL

Sections 33 and 34 are not reproduced in this booklet. Sections 31, 32 and 36 were repealed by article 162 of SI 2001 No.3649. Section 35 was repealed by Articles 3(2) and Schedule 2 of The Companies Act 2006 (Consequential Amendments etc) Order 2008 (SI 2008 No.948), which came into force on 6 April 2008 by Articles 2(2) and 12 of the same Order.

General

37 Restriction on disclosure of information

Schedule 7 (which restricts the disclosure of information obtained for monetary policy or cash ratio deposit purposes) shall have effect.

38 Offences in relation to supplying information to the Bank

(1) A person who fails without reasonable excuse to comply with any requirement imposed on him under section 17(l) or paragraph 9 of Schedule 2 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) If after conviction of an offence under subsection (1) a person continues the failure for which he was convicted, he shall be guilty of a further offence under that subsection and liable on summary conviction to be punished accordingly.

(3) A person who in purported compliance with a requirement imposed on him under section 17(l) or paragraph 9 of Schedule 2 provides information which he knows to be false or misleading in a material particular, or recklessly provides information which is false or misleading in a material particular, 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, or

(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.

39 Offences by bodies corporate

(1) Where an offence under this Part committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

40 Orders

(1) Any power of the Treasury to make an order under this Act shall be exercisable by statutory instrument.

(2) An order under –

section 17(4) or (5),

paragraph 1(2) or 5 of Schedule 2, or

paragraph 3(2) of Schedule 7,

shall not be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

(3) A statutory instrument containing an order under –

section 23(2),

paragraph 2(2) or 8 of Schedule 2,

paragraph 1(5) of Schedule 4, or

paragraph 3(3) of Schedule 7,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) A statutory instrument containing an order under section 33 shall be subject to annulment in pursuance of a resolution of the House of Commons.

[(4A) Section 9N contains its own provisions about parliamentary procedure in relation to an order under section 9L.]

New section 40(4A) introduced by section 4(3) of the Financial Services Act 2012, which came into force on 1 April 2013.

(5) Section 19 contains its own provisions about parliamentary procedure in relation to an order under that section.

41 General interpretation

In this Act, “the Bank” means the Bank of England.

42 Transitional provisions and savings

Schedule 8 (transitional provisions and savings) shall have effect.

43 Repeals

The enactments and instruments specified in Schedule 9 are hereby repealed or revoked to the extent specified in the final column of that Schedule.

Final provisions

44 Extent

- (1) This Act extends to Northern Ireland.
- (2) Section 33 extends to the Channel Islands and the Isle of Man.
- (3) The extent of any amendment, repeal or revocation by this Act is the same as that of the enactment amended, repealed or revoked.

45 Commencement

This Act shall come into force on such day as the Treasury may by order appoint.

Pursuant to SI 1998 No.1120 the Act came into force on 1 June 1998.

46 Short title

This Act may be cited as the Bank of England Act 1998.

SCHEDULES

SCHEDULE 1

COURT OF DIRECTORS

Terms of office

- [1. (1) Appointment as Governor of the Bank shall be for a period of 8 years.
- (2) Appointment as Deputy Governor of the Bank shall be for a period of 5 years.
- (3) A person may not be appointed –
 - (a) as Governor, more than once, or
 - (b) as Deputy Governor, more than twice.

(4) A person appointed as Governor or Deputy Governor of the Bank shall work exclusively for the Bank; and for this purpose work in an office that an enactment requires to be held by the Governor or a Deputy Governor is to be taken to be work for the Bank.]

New paragraph 1 introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

2. Appointment as [non-executive director] of the Bank shall be for a period of [4 years, or such shorter period as may be specified in the appointment].

Square-bracketed wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

3. [...]

Previous wording omitted by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

4. A person appointed as Governor, Deputy Governor or [non-executive director] of the Bank may resign his office by written notice to the Bank.

Square-bracketed wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

Qualification for appointment

5. (1) A person is disqualified for appointment as Governor, Deputy Governor or [non-executive director] of the Bank if he is a Minister of the Crown or a person serving in a government department in employment in respect of which remuneration is payable out of money provided by Parliament.

Square-bracketed wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

(2) [An officer or employee of the Bank, other than a person holding office under section 9B(1)(e), is disqualified for appointment as non-executive director of the Bank.]

Square-bracketed wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

[6. (1) The fact that a person has held office as Governor of the Bank does not disqualify that person from appointment as Deputy Governor or non-executive director of the Bank.

(2) The fact that a person has held office as Deputy Governor or non-executive director of the Bank does not disqualify that person from re-appointment to that office or for appointment to the other office or as Governor of the Bank, but this is subject to paragraph 1(3)(b).]

New wording in paragraph 6 introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

Removal from office

7. (1) A person appointed as Governor or Deputy Governor of the Bank shall vacate office if he becomes a person to whom paragraph 5(l) applies.

(2) A person appointed as [non-executive director] of the Bank shall vacate office if he becomes a person to whom paragraph 5(l) or (2) applies.

Square-bracketed wording in paragraph 7(2) introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

8. [(1)] The Bank may, with the consent of the Chancellor of the Exchequer, remove a person from office as Governor, Deputy Governor or [non-executive director] of the Bank if it is satisfied –

(a) that he has been absent from meetings of the court for more than 3 months without the consent of the court,

(b) that he has become bankrupt, that his estate has been sequestrated or that he has made an arrangement with or granted a trust deed for his creditors, or

(c) that he is unable or unfit to discharge his functions as a member.

[(2) In relation to the Deputy Governor for prudential regulation, the reference in sub-paragraph (1)(c) to inability or unfitness to discharge functions as member of the court of directors is to be read as including a reference to inability or unfitness to discharge functions as Chief Executive of the Prudential Regulation Authority.]

Square-bracketed wording in paragraph 8 introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

Powers

9. The court may act notwithstanding the existence of one or more vacancies among its members.

10. The court may appoint such sub-committees as it thinks fit.

11. [(1)] The court may delegate such duties and powers as it thinks fit to –

(a) a member of the court.

(b) any officer, [employee] or agent of the Bank,

(c) sub-committee consisting of –

(i) members of the court, or

(ii) one or more members of the court and one or more of the officers, [employees] and agents of the Bank.

[(2) The duties and powers that may be delegated under this paragraph do not include duties and powers that are by any enactment expressly imposed or conferred on the court of directors.]

Square-bracketed wording in paragraph 11 introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

Meetings

12. (1) The court shall meet at least [7 times in each calendar year].

[(2) Either of the following may summon a meeting at any time on giving such notice as the circumstances appear to require –

(a) the Governor of the Bank (or in his absence a Deputy Governor), and

(b) the chair of the court.]

Previous wording in paragraphs 12(1) and 12(2) amended, and square bracketed wording substituted by sections 240(1), 240(2) and 240(3) of the Banking Act 2009, which came into force on 1 June 2009.

[Publication of record of meetings]

12A (1) The Bank must publish a record of each meeting of the court –

(a) before the end of the period of 6 weeks beginning with the day of the meeting, or

(b) if no meeting of the court is subsequently held during that period, before the end of the period of 2 weeks beginning with the day of the next meeting.

(2) The record must specify any decisions taken at the meeting (including decisions to take no action) and must set out, in relation to each decision, a summary of the court's deliberations.

(3) Sub-paragraphs (1) and (2) do not require the publication of information whose publication within the time required by sub-paragraph (1) would in the opinion of the court be against the public interest.

(4) Publication under this section is to be in such manner as the Bank thinks fit.]

New paragraph 12A introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

Proceedings

13. (1) At a meeting of the court, the proceedings shall be regulated as follows.

(2) [...]

Wording in paragraph 13(2) repealed by sections 242(1) and 242(3)(a) of the Banking Act 2009, which came into force on 1 June 2009.

[(3) The Chancellor of the Exchequer may designate –

(a) a member of the court to chair its meetings (“the chair of the court”), and

(b) one or more members of the court as deputies to chair its meetings in the absence of the chair of the court.]

Wording in paragraph 13(3) repealed and square bracketed wording substituted by section 241(1) of the Banking Act 2009, which came into force on 1 June 2009.

[(3A) But a member of the court who is the Governor or Deputy Governor of the Bank may not be designated under paragraph (a) or (b) of sub-paragraph (3).]

New paragraph 13(3A) introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

(4) If a member of the court has any direct or indirect interest in any dealing or business with the Bank –

(a) he shall disclose his interest to the court at the time of the dealing or business being negotiated or transacted, and

(b) he shall have no vote in relation to the dealing or business, unless the court has resolved that the interest does not give rise to a conflict of interest.

(5) A member of the court shall have no vote in relation to any question arising which touches or concerns him but shall withdraw and be absent during the debate of any matter in which he is concerned.

(6) Subject to sub-paragraphs [(3)] to (5), the court shall determine its own procedure [(including quorum)].

Previous wording in paragraph 13(6) replaced by (and new square bracketed wording introduced by) sections 242(3)(b) and 242(3)(c) respectively of the Banking Act 2009, which came into force on 1 June 2009.

Remuneration

14. (1) A person appointed as Governor or Deputy Governor of the Bank shall be entitled to be paid by the Bank such remuneration as [the Oversight Committee] may determine.

Square-bracketed wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

(2) The Bank may pay, or create and maintain a fund for the payment of, pensions or capital grants to members, or former members, of the court who have rendered exclusive services to the Bank.

15. A [non-executive director] of the Bank shall be entitled to be paid by the Bank such remuneration as the Bank may determine with the approval of the Chancellor of the Exchequer.

Square-bracketed wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

In accordance with para 15 of Schedule 2 to the Financial Services Act 2012, none of the amendments in Schedule 1 to the 1998 Act, which have been introduced by paras 2 to 7 of Schedule 2 to the 2012 Act pursuant to section 5 of the 2012 Act, affect the term of any appointment made before the commencement of that provision.

SCHEDULE 2

CASH RATIO DEPOSITS

Eligible institutions

1. [(1) Each deposit-taker is an eligible institution for the purposes of this Schedule.

(1A) “Deposit-taker” has the meaning given in section 17, except that it does not include –

(a) a credit union;

(b) a friendly society;

(c) a person who has permission to accept deposits under [Part 4A] of the Financial Services and Markets Act 2000 only in the course of effecting or carrying out contracts of insurance in accordance with that permission; or

(d) an EEA firm of the kind mentioned in paragraph 5(c) of Schedule 3 to that Act.

(1B) “Credit union” has the meaning given –

(a) by the Credit Unions Act 1979; or

(b) in Northern Ireland, by the Credit Unions (Northern Ireland) Order 1985.

(1C) “Friendly society” means –

(a) a society which is registered within the meaning of the Friendly Societies Act 1974; or

(b) a society incorporated under the Friendly Societies Act 1992.]

Previous wording in paragraph 1(1) replaced by (and new sub-paragraphs (1) to (1C) introduced by) article 163(1) of SI 2001 No.3649. The reference in para 1(1A)(c) to Part 4A of FSMA introduced by section 114(1) and para 85(4) of Schedule 18 of the Financial Services Act 2012, which came into force on 1 April 2013.

(2) The Treasury may by order amend [sub-paragraphs (1) to (1C).]

Words added by article 163(2) of SI 2001 No.3649.

Liability base

2. (1) For the purposes of this Schedule, the liability base of an eligible institution at any time is the aggregate of those sterling and foreign currency liabilities of the institution which are eligible liabilities.

(2) The Treasury may by order define eligible liabilities for the purposes of this paragraph and make provision about the calculation of any description of eligible liability, including provision for the amount of a liability of any description to be treated as reduced by the amount of an asset of any description.

Call notices

3. (1) The Bank may give an eligible institution notice under this paragraph.

(2) Notice under this paragraph (“a call notice”) shall be in writing and shall specify –

(a) the period to which it relates, and

(b) the amount which, in relation to that period, is the institution’s depositable amount.

(3) The period to be specified under sub-paragraph (2)(a) –

(a) shall be a period of 6 months beginning at least 4 working days after the date of the notice, and

(b) shall not include any part of a period specified in a previous call notice given to the institution concerned.

Calculation of depositable amount

4. (1) In the case of any call notice, the amount to be specified under paragraph 3(2)(b) is the amount, or, as the case may be, the sum of the amounts, produced by multiplying so

much of the institution's average liability base for the reference period as falls into each value band by the ratio applicable to that band.

(2) The Bank may use such method to calculate an institution's average liability base for the purposes of this paragraph as it thinks fit, and may use different methods for different institutions.

(3) For the purposes of this paragraph, value bands and the ratios applicable to them are such as may be specified under paragraph 5.

Value bands and applicable ratios

5. The Treasury may by order specify for the purposes of paragraph 4 value bands and the ratios applicable to them.

Effect of call notice

6. (1) Where the Bank has given an eligible institution a call notice, then, if at any time in the period to which the notice relates the following conditions are met, namely –

(a) the institution is an eligible institution, and

(b) the institution does not have on deposit in the appropriate account with the Bank the amount specified in the notice as its depositable amount in relation to that period,

the Bank may by notice in writing require the institution to make a payment in lieu of deposit.

(2) A notice under subparagraph (1) shall specify what period it covers, and the period specified must –

(a) fall within the period to which the call notice relates, and

(b) be a period throughout which the conditions mentioned in sub-paragraph (1) have been met.

(3) The amount which the Bank may by a notice under sub-paragraph (1) require an institution to pay is an amount equal to interest for the period covered by the notice, at 4% over the benchmark rate, on the average shortfall during that period.

(4) The Bank may use such method to calculate the average shortfall as it thinks fit.

(5) In sub-paragraph (1)(b), the reference to the appropriate account, in relation to an eligible institution, is to such account of the institution with the Bank as is designated by the Bank for the purposes of this Schedule.

(6) For the purposes of sub-paragraph (3), the shortfall, at any time, is the amount which the institution needs to deposit to prevent the condition mentioned in sub-paragraph (1)(b) applying.

Benchmark rate of interest

7. (1) The benchmark rate of interest for the purposes of paragraph 6(3) shall be determined as follows.

(2) First, determine a rate of interest for each working day of the period covered by the notice under paragraph 6(l) by taking the average of the rates at which 3 month deposits in sterling are bid at 11.00 am on the day by the 5 eligible institutions having in the opinion of the Bank the largest eligible liabilities at the end of the reference period for the relevant call notice.

(3) Second, determine an average rate of interest by reference to the rates determined in accordance with sub-paragraph (2), the average rate so determined being the benchmark rate.

(4) In sub-paragraph (2), the reference to the relevant call notice is to the call notice by virtue of which the Bank is entitled to give the notice under paragraph 6(l).

8. The Treasury may by order amend or replace paragraph 7.

Power to obtain information

9. (1) The Bank may by notice in writing require an eligible institution to provide the Bank with such information as may be specified in the notice, being information which the Bank considers it necessary or expedient to have for the purposes of its functions under this Schedule.

(2) A notice under sub-paragraph (1) may require information to be provided –

(a) in such form or manner as may be specified in the notice;

(b) at such time or times as may be so specified;

(c) in relation to such period or periods as may be so specified.

Orders

10. Before making an order under this Schedule, the Treasury shall consult –

(a) the Bank,

(b) such persons as appear to them to be representative of persons likely to be materially affected by the order, and

(c) such other persons as they think fit.

11. In exercising the power to make orders under paragraph 2(2) or 5, the Treasury shall have regard to the financial needs of the Bank.

Interpretation

12. In this Schedule –

“reference period”, in relation to a call notice, means the period of 6 months ending immediately before the month in which the notice is given; and “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

Modifications for new entrants

13. (1) In its application to the first call notice to be given to an institution or society after it becomes an eligible institution, this Schedule shall have effect with the following modifications.

(2) In paragraph 3(3)(a), after “period of” there is inserted “not more than”.

(3) In paragraph 7(2), for “the end of the reference period for the relevant call notice” there is substituted “such time before the beginning of the period to which the relevant call notice relates as the Bank thinks fit”.

(4) In paragraph 12, in the definition of “reference period”, for the words from “the period” to the end there is substituted “such period prior to the notice as the Bank thinks fit”.

[SCHEDULE 2A

FINANCIAL POLICY COMMITTEE

Terms of office of appointed members

1. (1) Appointment under section 9B(1)(d) or (e) as a member of the Financial Policy Committee is to be for a period of 3 years, but this is subject to sub-paragraph (2) and to paragraph 3.

(2) Initially some appointments may be for shorter and different periods so as to secure that appointments expire at different times.

2. (1) A person may not be appointed as a member of the Committee under section 9B(1)(e) more than twice.

(2) For this purpose an appointment which by virtue of paragraph 1(2) is for a period of less than 3 years is to be disregarded.

3. (1) If it appears to the Chancellor of the Exchequer that in the circumstances it is desirable to do so, the Chancellor may, before the end of the term for which a person is appointed as a member of the Committee under section 9B(1)(e), extend the person's term of office on one occasion for a specified period of not more than 6 months.

(2) The term being extended may be the person's first or second term or, in a case where paragraph 2(2) allows a third term, the person's third term.

(3) If a person whose first term of office is extended is subsequently re-appointed under section 9B(1)(e) –

(a) the length of the second term is to be reduced by a period equal to the extension of the first term, but

(b) the second term may itself subsequently be extended under sub-paragraph (1).

(4) In a case where a person's second term of office is extended and paragraph 2(2) allows a third term, sub-paragraph (3) is to be read as if the references to first and second terms were references to second and third terms respectively.

4. (1) A person appointed under section 9B(1)(d) or (e) may resign the office by written notice to the Bank.

(2) Where the notice relates to a person appointed under section 9B(1)(e), the Bank must give a copy of the notice to the Treasury.

5. The terms and conditions on which a person holds office as a member of the Committee appointed under section 9B(1)(e) are to be such as the Oversight Committee may determine.

Qualification for appointment

6. (1) The following persons are disqualified for appointment under section 9B(1)(d) or (e) –

(a) a Minister of the Crown;

(b) a person serving in a government department in employment in respect of which remuneration is paid out of money provided by Parliament.

(2) A member of the Monetary Policy Committee of the Bank appointed under section 13(2)(c) is disqualified for appointment under section 9B(1)(e).

Removal of appointed members

7. A person appointed under section 9B(1)(d) or (e) vacates office on becoming a person to whom paragraph 6(1)(a) or (b) applies.

8. A person appointed under section 9B(1)(d) vacates office on ceasing to have executive responsibility within the Bank for the analysis of threats to financial stability.
9. (1) The Oversight Committee may, with the consent of the Chancellor of the Exchequer, remove a member appointed under section 9B(1)(d) or (e) ("M") if it is satisfied –
- (a) that M has been absent from 3 or more meetings of the Financial Policy Committee without the Committee's consent,
 - (b) that M has become bankrupt, that a debt relief order (under Part 7A of the Insolvency Act 1986) has been made in respect of M, that M's estate has been sequestrated or that M has made an arrangement with or granted a trust deed for M's creditors, or
 - (c) that M is unable or unfit to discharge M's functions as a member.
- (2) The Oversight Committee may, with the consent of the Chancellor of the Exchequer, also remove a member appointed under section 9B(1)(e) ("M") if it is satisfied that in all the circumstances M's financial or other interests are such as substantially to affect the functions as member which it would be proper for M to discharge.

Meetings

10. (1) The Committee shall meet at least 4 times in each calendar year.
- (2) The Governor of the Bank (or in the Governor's absence the Bank's Deputy Governor for financial stability) may summon a meeting at any time on giving such notice as the person giving the notice thinks the circumstances require.

Proceedings

11. (1) At a meeting of the Committee, the proceedings are to be regulated as follows.
- (2) The quorum is to be 6 (excluding the Treasury's representative) and of the 6 –
- (a) one must be the Governor of the Bank or the Bank's Deputy Governor for financial stability,
 - (b) unless both those mentioned in paragraph (a) are present, one must be either of the other Deputy Governors of the Bank, and
 - (c) one must be a member appointed under section 9B(1)(e).
- (3) The chair is to be taken by the Governor of the Bank or, if the Governor is not present, by the Bank's Deputy Governor for financial stability.
- (4) The person chairing the meeting must seek to secure that decisions of the Committee are reached by consensus wherever possible.

(5) Where that person forms the opinion that consensus cannot be reached, a decision is to be taken by a vote of all those members present at the meeting.

(6) In the event of a tie, the person chairing the meeting is to have a second casting vote.

(7) At a meeting of the Committee –

(a) the Treasury's representative may not vote, and

(b) any view expressed by the Treasury's representative is to be disregarded in determining under sub-paragraph (4) or (5) whether there is a consensus.

(8) Subject to sub-paragraphs (2) to (7) and paragraph 14, the Committee is to determine its own procedure.

12. The Committee may, in relation to sub-paragraph (2), (3), (4) or (5) of paragraph 11, determine circumstances in which a member who is not present at, but is in communication with, a meeting is to be treated for the purposes of that sub-paragraph as present at it.

13. The Committee may invite other persons to attend, or to attend and speak at, any meeting of the Committee.

14. If a member of the Committee ("M") has any direct or indirect interest (including any reasonably likely future interest) in any dealing or business which falls to be considered by the Committee –

(a) M must disclose that interest to the Committee when it considers the dealing or business, and

(b) the Committee must decide whether M is to be permitted to participate in any proceedings of the Committee relating to any question arising from its consideration of the dealing or business, and if so to what extent and subject to what conditions (if any).]

New Schedule 2A introduced by section 4(2) of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

SCHEDULE 3

MONETARY POLICY COMMITTEE

Terms of appointed members

1. Appointment as a member of the Committee under section 13(2)(b) or (c) shall be for a period of 3 years, [but this is subject to paragraph 2B].

Square-bracketed wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

2. [...]

Previous wording omitted by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

This does not affect the term of any appointment made before the commencement of this amendment (paragraph 2(11) Schedule 2 of the Financial Services Act 2012).

[2A A person may not be appointed as a member of the Committee under section 13(2)(c) more than twice.]

New paragraph 2A introduced by section 243(3) of the Banking Act 2009, which came into force on 1 June 2009.

[2B (1) If it appears to the Chancellor of the Exchequer that in the circumstances it is desirable to do so, the Chancellor may, before the end of the 3 years for which a person is appointed as a member of the Committee under section 13(2)(c), extend the persons's term of office on one occasion for a specified period of not more than 6 months.

(2) The term being extended may be the person's first or second term.

(3) If a person whose first term of office is extended is subsequently re-appointed under section 13(2)(c) –

(a) the length of the second term is to be reduced by a period equal to the extension of the first term, but

(b) the second term may itself subsequently be extended under sub-paragraph (1).]

New paragraph 2B introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

3. [(1)] A person appointed under section 13(2)(b) or (c) may resign his office by written notice to the Bank.

[(2) Where the notice relates to a person appointed under section 13(2)(c), the Bank must give a copy of the notice to the Treasury.]

New paragraph 3(2) introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

4. [(1)...]

Previous wording in para 4(1) omitted by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

[(2) The terms and conditions on which a person holds office as a member of the Committee appointed under section 13(2)(c) are to be such as the Oversight Committee may determine.]

New wording in paragraph 4(2) introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

(3) [...]

Wording in paragraph 4(3) omitted by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

The amendments made in paragraph 4 by the Financial Services Act 2012 do not affect the status of a person appointed before the commencement of those amendments during the remainder of the term for which the person has been appointed (paragraph 2(11) Schedule 2 of the Financial Services Act 2012).

Qualification for appointment

5. A person is disqualified for appointment under section 13(2)(b) or (c) if –

(a) he is a Minister of the Crown, or a person serving in a government department in employment in respect of which remuneration is payable out of money provided by Parliament, or

(b) he is a member of the court of directors of the Bank.

[5A A member of the Financial Policy Committee of the Bank appointed under section 9B(1)(e) is disqualified for appointment under section 13(2)(c).]

New paragraph 5A introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

6. The fact that a person has held office under section 13(2)(b) or (c) does not disqualify him for further appointment to such office [(subject to paragraph 2A)].

Square bracketed wording in paragraph 6 introduced by 243(4) of the Banking Act 2009, which came into force on 1 June 2009.

Removal of appointed members

7. A person appointed under section 13(2)(b) or (c) shall vacate office if he becomes a person to whom paragraph 5(a) or (b) applies.

8. A person appointed under section 13(2)(b) shall vacate office if he ceases to have executive responsibility within the Bank for monetary policy analysis or, as the case may be, monetary policy operations.

9. (1) The [Oversight Committee] may with the consent of the Chancellor of the Exchequer, remove a member appointed under section 13(2)(b) or (c) if it is satisfied –

(a) that he has been absent from the [meetings of the Monetary Policy Committee] for more than 3 months without [that Committee's consent],

(b) that he has become bankrupt, that his estate has been sequestrated or that he has made an arrangement with or granted a trust deed for his creditors, or

(c) that he is unable or unfit to discharge his functions as a member.

(2) [...]

Amendments to paragraph 9 introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

Meetings

10. (1) The Committee shall meet at least once a month.

(2) The Governor of the Bank (or in his absence the Deputy Governor of the Bank [...] for monetary policy) may summon a meeting at any time on giving such notice as in his judgment the circumstances may require.

Omitted wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

Proceedings

11. (1) At a meeting of the Committee, the proceedings shall be regulated as follows.

(2) The quorum shall be 6, of whom 2 must hold office as Governor or Deputy Governor of the Bank.

(3) The chair shall be taken by the Governor of the Bank or, if he is not present, the Deputy Governor of the Bank [...] for monetary policy.

Omitted wording introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

(4) Decisions shall be taken by a vote of all those members present at the meeting.

(5) In the event of a tie, the chairman shall have a second casting vote.

(6) Subject to sub-paragraphs (2) to (5), the Committee shall determine its own procedure.

12. The Committee may, in relation to sub-paragraph (2), (3) or (4) of paragraph 11, determine circumstances in which a member who is not present at, but is in communication with, a meeting, is to be treated for the purposes of that sub-paragraph as present at it.

13. A representative of the Treasury may attend, and speak at, any meeting of the Committee.

[13A The Committee may invite other persons to attend, or to attend and speak at, any meeting of the Committee.]

New paragraph 13A introduced by section 5 of the Financial Services Act 2012, which came into force on 19 February 2013, for the purposes of making appointments, and on 1 April 2013 for all other purposes.

Report to court of directors of the Bank

14. The Committee shall submit a monthly report on its activities to the court of directors of the Bank.

Parliamentary disqualification

15. In Part III of Schedule I to the House of Commons Disqualification Act 1975 (other disqualifying offices), there is inserted at the appropriate place

“Member of the Monetary Policy Committee of the Bank of England appointed under section 13(2)(b) or (c) of the Bank of England Act 1998;”

and a corresponding amendment is made in Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.

SCHEDULE 4

TRANSFER OF FUNCTIONS: SUPPLEMENTARY PROVISIONS

Schedule 4 has not been reproduced in this booklet.

SCHEDULE 5

TRANSFER OF FUNCTIONS: CONSEQUENTIAL AMENDMENTS

Schedule 5 has not been reproduced in this booklet. Paragraphs 1 to 35, 39, 44, 45, 47, 52 to 59, 61, 65, 66 and 68 were repealed by article 162 of SI 2001 No.3649. Para 42 was repealed by the Charities Act 2011. Para 62 was repealed by the Companies (Audit, Investigations and Community Enterprise) Act 2004, section 64 and Schedule 8. Para 63 was repealed by Art 2 and Sch 2 of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (SI 2009 No 1941). Para 71 was repealed by the Pensions Act 2004, section 320 and Schedule 13.

Schedule 6 (Banking Supervision Fees) was repealed by article 162 of SI 2001 No.3649.

SCHEDULE 7

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(l) 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 [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.

Square-bracketed wording in paragraph 1(3) introduced by section 5 of the Financial Services Act 2012, which came into force on 1 April 2013.

(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.

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

(c) its functions under Schedule 2.

[(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.]

Previous wording in paragraph 2(2) replaced by article 164(2) of SI 2001 No.3649.

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.

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 [...].	Functions under that Part.
A person authorised to exercise powers or appointed under section 447 of the Companies Act 1985 [...] or section 84 of the Companies Act 1989.	Functions under that section [<i>or Article</i>].

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 Conduct Authority or the Prudential Regulation 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 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.

[The Pensions Regulator.

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.]]

Previous Table in paragraph 3(1) replaced by article 164(3) of SI 2001 No.3649.

Square-bracketed wording in the third and fourth entries above (relating to inspectors appointed under Part 14 of the Companies Act 1985 and persons authorised to exercise powers under section 447 of that Act) repealed by Art 2 and Sch 1, para 172 of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (SI 2009 No 1941).

The reference to the Financial Conduct Authority and the Prudential Regulation Authority was introduced by section 114(1) of the Financial Services Act 2012, which came into force on 1 April 2013.

The reference to 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) was introduced by section 46 and Schedule 2, para 7 of the Statistics and Registration Service Act 2007 by virtue of The Statistics and Registration Service Act 2007 (Commencement No. 2 and Transitional Provision) Order 2008 (SI 2008 No.839).

The reference to the Pensions Regulator was introduced by section 319(1) and Schedule 12, para 70 of the Pensions Act 2004.

- (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.

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(l) 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 [EU] obligation.

In relation to paragraph 5 see also section 17 and Schedule 4 of the Anti-terrorism, Crime and Security Act 2001. Square-bracketed reference to EU in para 5(c) introduced by Article 6(1)(e) of SI 2011 No.1043.

SCHEDULE 8

TRANSITIONAL PROVISIONS AND SAVINGS

Paragraphs 1 to 5 and paragraph 7 of Schedule 8 were repealed by article 162 of SI 2001 No.3649. Paragraph 6 of Schedule 8 has not been reproduced in this booklet.

SCHEDULE 9

REPEALS AND REVOCATIONS

Part I (Repeals) (part of which was repealed by article 162 of SI 2001 No.3649) has not been reproduced in this booklet.

Part II (Revocations) was repealed by article 162 of SI 2001 No.3649.