

Liability of Supervisory Authority for acts, omissions, etc.

942. (1) Neither the Supervisory Authority nor any person who is or was—

- (a) a member or director;
- (b) other officer or employee;
- (c) a member of a committee; or
- (d) a professional or other adviser or duly authorised agent;

of the Supervisory Authority shall be liable for damages for anything done, anything purported to be done or anything omitted to be done—

(i) by the Supervisory Authority or that person (not being such an agent) in performing their functions under this Act; or

(ii) in the case of such an agent, by the agent in doing on behalf of the Authority or other foregoing person an act that was done to enable such functions to be performed;

unless the act or omission is shown to have been in bad faith.

(2) The matters in respect of which subsection (1) applies include the following:

(a) any advice given or admonition or censure administered, to a prescribed accountancy body under section 933 (5);

(b) any statement published under section 933 (8) concerning a prescribed accountancy body;

(c) any investigation under section 934 of a possible breach of the standards of a prescribed accountancy body by a member of that body or any sanction or penalty imposed on such a member;

(d) any certificate of refusal or failure issued by the Supervisory Authority in connection with an investigation under section 934;

(e) any review under section 936 of a member of a recognised accountancy body.

(3) Subject to any enactment or rule of law the Supervisory Authority may indemnify—

(a) any person who is or was a member or director, other officer or employee, member of a committee or a professional or other adviser of the Supervisory Authority in respect of anything done or omitted to be done by that person in good faith in carrying out duties under this Act, and

(b) any person who is or was a duly authorised agent of the Supervisory Authority in respect of anything done or omitted to be done by that person in good faith in his or her doing an act on behalf of a person referred to in paragraph (a) that was done to enable the latter's duties under this Act to be carried out.

(4) The power to indemnify under subsection (3) includes the power to indemnify a person referred to in that subsection for any liability to pay damages or costs because of anything done or omitted to be done by that person in carrying out duties under this Act or, in the case of an agent referred to in paragraph (b) of that subsection, in doing an act referred to in that paragraph, where the liability—

(a) has been determined in proceedings before a court or tribunal in another state or arises by virtue of an agreement entered into in settlement of such proceedings, and

(b) would not have been determined had subsections (1) and (2) been applied in those proceedings or would not have been the subject of such an agreement but for that person's reliance in good faith on a legal opinion or advice that those subsections would not be applied by the court or tribunal in those proceedings.