



Banking Act 2009

2009 CHAPTER 1

PART 5

INTER-BANK PAYMENT SYSTEMS

Miscellaneous

203 Fees

- (1) The Bank of England may require operators of recognised inter-bank payment systems to pay fees.
- (2) A requirement under subsection (1) must relate to a scale of fees approved by the Treasury by regulations.
- (3) Regulations under subsection (2)—
 - (a) shall be made by statutory instrument, and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A requirement under subsection (1) may be enforced by the Bank as a debt.

204 Information

- (1) The Bank of England may by notice in writing require a person to provide information—
 - (a) which the Bank thinks will help the Treasury in determining whether to make a recognition order, or
 - (b) which the Bank otherwise requires in connection with its functions under this Part.
- (2) In particular, a notice may require the operator of a recognised inter-bank payment system to notify the Bank if events of a specified kind occur.

Status: This is the original version (as it was originally enacted).

- (3) A notice may require information to be provided—
- (a) in a specified form or manner;
 - (b) at a specified time;
 - (c) in respect of a specified period.
- (4) The Bank may disclose information obtained by virtue of this section to—
- (a) the Treasury;
 - (b) the FSA;
 - (c) an authority in a country or territory outside the United Kingdom which exercises functions similar to those of the Treasury, the Bank of England or the FSA in relation to inter-bank payment systems;
 - (d) the European Central Bank;
 - (e) the Bank for International Settlements.
- (5) Subsection (4)—
- (a) overrides a contractual or other requirement to keep information in confidence, and
 - (b) is without prejudice to any other power to disclose information.
- (6) The Treasury may by regulations permit the disclosure of information obtained by virtue of this section to a specified person.
- (7) The Bank may publish information obtained by virtue of this section.
- (8) The Treasury may make regulations about the manner and extent of publication under subsection (7).
- (9) Regulations under this section—
- (a) shall be made by statutory instrument, and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) It is an offence—
- (a) to fail without reasonable excuse to comply with a requirement under this section;
 - (b) knowingly or recklessly to give false information in pursuance of this section.
- (11) A person guilty of an offence is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.

205 Pretending to be recognised

- (1) It is an offence for the operator of a non-recognised inter-bank payment system—
- (a) to assert that the system is recognised, or
 - (b) to do anything which suggests that the system is recognised.
- (2) A person guilty of an offence is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.

206 Saving for informal oversight

- (1) Nothing in this Part prevents the Bank of England from having dealings with the operators of payment systems to which this Part does not apply.
- (2) Nothing in this Part prevents the Bank from having dealings, other than through the provisions of this Part, with the operators of payment systems to which this Part does apply.