
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Bank Recovery and Resolution Order 2014

Notice to regulators and the Bank of England of preliminary steps

106. After section 120 insert—

“Notice to the regulators and the Bank of England of preliminary steps

120A.—(1) Section 120 shall apply to relevant firms as it applies to banks, except that for this purpose—

- (a) subsections (5) and (10) of that section have effect as if any reference to the PRA were a reference to the appropriate regulator, and
- (b) subsection (7) has effect as if for paragraph (b) there were substituted—
 - “(b) the Bank of England has informed the person who gave the notice that it does not intend to exercise a stabilisation power under Part 1 in relation to the firm (and Condition 5 has been met, if applicable).”

(2) In this section—

- (a) “relevant firm” means—
 - (i) a financial holding company, investment firm, mixed financial holding company or a mixed activity holding company, or
 - (ii) a financial institution which is a subsidiary undertaking of a bank or an entity within paragraph (a)(i);
- (b) “financial holding company” has the meaning given in Article 4.1(2) of the capital requirements regulation (within the meaning of section 3);
- (c) “financial institution” has the meaning given in Article 4.1(26) of the capital requirements regulation (within the meaning of section 3);
- (d) “mixed activity holding company” has the meaning given in Article 4.1(22) of the capital requirements regulation (within the meaning of section 3);
- (e) “mixed financial holding company” has the meaning given in Article 2.15 of [Directive 2002/87/EC](#) of the European Parliament and of the Council of 16th December 2002(1) on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate.

(3) In this section, references to “the appropriate regulator” are—

- (a) to the PRA, in relation to a PRA-authorized person; and
- (b) to the FCA in relation to any other authorised person.”