
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Bank Recovery and Resolution Order 2014

Groups: bail-in option

92.—(1) Section 81BA (groups: bail-in option)(1) is amended as follows.

(2) For subsection (2) substitute—

“(2) Condition 1 is that either—

- (a) the PRA is satisfied that Condition 1 of the general conditions is met in respect of a bank in the same group and the Bank of England is satisfied that Conditions 2, 3 and 4 of the general conditions are met in respect of that bank, or
- (b) the resolution authority of an EU institution in the same group is satisfied that the conditions for resolution set out in Article 32.1 of the recovery and resolution directive are met in relation to that EU institution, or
- (c) a relevant third-country authority of a third-country institution in the same group is satisfied that any conditions required by the law of the third country to be met before third-country resolution action may be taken are met in relation to that third-country institution.

(2A) For the purposes of determining if a requirement of Condition 1 is met, the PRA, Bank of England, EU resolution authority or relevant third-country authority (as the case may be) may ignore any transfer of losses or capital made between members of the group.”.

(3) In subsection (3) for the words “public interest in” to the end substitute “public interest in the advancement of one or more of the special resolution objectives.”.

(4) After subsection (6) insert—

“(7) The definitions in section 81B(9) apply for the purposes of this section.”.