



Banking Act 1979

1979 CHAPTER 37

PART I

CONTROL OF DEPOSIT-TAKING

Appeals

11 Appeals from decisions of the Bank

- (1) Any institution which is aggrieved by a decision of the Bank—
 - (a) to refuse to grant recognition or a licence to it, or
 - (b) to grant a licence to it on an application for recognition, or
 - (c) to revoke its recognition or licence, or
 - (d) to give it a direction under section 8 above,may appeal against the decision to the Chancellor of the Exchequer who, in accordance with regulations under section 12 below, shall refer the matter for a hearing before persons appointed for the purpose.
- (2) If the Bank revokes recognition or a licence in the exercise of its powers under section 7(1)(b) above, then, on an appeal against the decision to revoke, the appellant institution may challenge any of the conditions of the conditional licence granted to it, whether or not it also challenges the decision itself.
- (3) On the determination of an appeal under this section, the Chancellor of the Exchequer may confirm, vary or reverse the decision appealed against, and may—
 - (a) take any action which the Bank could have taken at the time it took the decision appealed against; and
 - (b) give such directions as he thinks just for the payment of costs or expenses by any party to the appeal.
- (4) Notice of the Chancellor of the Exchequer's decision on the appeal together with a statement of his reasons for the decision shall be given to the appellant and to the Bank

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and, unless the Chancellor otherwise directs, the decision shall come into operation on such notice being given to the appellant.

- (5) Where an institution is successful in an appeal to the Chancellor of the Exchequer against a decision of the Bank to revoke all authority of the institution to carry on a deposit-taking business and, prior to that decision, the Bank gave such a notice as is referred to in subsection (1)(a) of section 8 above, then, on the Chancellor's decision coming into operation.—
- (a) any directions previously given to the institution under that section shall cease to have effect; and
 - (b) no further direction may be given to the institution under that section in reliance on that notice having been given.

12 Regulations with respect to appeals

- (1) Provision may be made by regulations with respect to appeals under section 11 above—
- (a) as to the period within which and the manner in which such appeals are to be brought;
 - (b) as to the persons (in this subsection referred to as "appointed persons") by whom such appeals are to be heard on behalf of the Chancellor of the Exchequer ;
 - (c) as to the manner in which such appeals are to be conducted, including provision for any hearing before appointed persons to be held in private;
 - (d) for requiring any person, on tender of the necessary expenses of his attendance, to attend and give evidence or produce documents in his custody or under his control;
 - (e) for taxing or otherwise settling any costs or expenses directed to be paid under section 11(3)(b) above and for the enforcement of any such direction; and
 - (f) as to any other matter connected with such appeals.
- (2) Subject to subsection (3) below, regulations under this section shall be made by the Treasury after consultation with the Council on Tribunals and shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Regulations under this section with respect to Scottish appeals, that is to say, appeals where the institution concerned—
- (a) is a company registered in Scotland, or
 - (b) has its principal or prospective principal place of business in the United Kingdom in Scotland,
- shall be made by the Lord Advocate after consultation with the Council on Tribunals which shall consult with its Scottish Committee.
- (4) A person who, having been required in accordance with regulations under this section to attend and give evidence, fails without reasonable excuse to attend or give evidence shall be liable on summary conviction to a fine not exceeding £1,000.
- (5) A person who intentionally alters, suppresses, conceals, destroys or refuses to produce any document which he has been required to produce in accordance with regulations under this section, or which he is liable to be so required to produce, shall be liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum; and

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- (b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or both.
- (6) The Treasury may, out of money provided by Parliament, pay to any persons appointed as mentioned in paragraph (b) of subsection (1) above such fees and make good to them such expenses as the Treasury may determine.

13 Further appeal on points of law

- (1) An appeal shall lie to the Court at the instance of the institution concerned or of the Bank on any question of law arising from any decision of the Chancellor of the Exchequer on an appeal under section 11 above; and if the Court is of opinion that the decision appealed against was erroneous in point of law, it shall remit the matter to the Chancellor with the opinion of the Court for re-hearing and determination by him.
- (2) In subsection (1) above "the Court" means the High Court, the Court of Session or a judge of the High Court in Northern Ireland according to whether.—
 - (a) if the institution concerned is a company registered in the United Kingdom, it is registered in England and Wales, Scotland or Northern Ireland ; and
 - (b) in the case of any other institution, its principal or prospective principal place of business in the United Kingdom is situated in England and Wales, Scotland or Northern Ireland.
- (3) No appeal to the Court of Appeal or to the Court of Appeal in Northern Ireland shall be brought from a decision under subsection (1) above except with the leave of that court or of the court or judge from whose decision the appeal is brought.
- (4) An appeal shall lie, with the leave of the Court of Session or the House of Lords, from any decision of the Court of Session under this section, and such leave may be given on such terms as to costs, expenses or otherwise as the Court of Session or the House of Lords may determine.