



Banking Act 1987 (repealed)

1987 CHAPTER 22

PART I

REGULATION OF DEPOSIT-TAKING BUSINESS

Authorisations

9 Grant and refusal of authorisation.

- (1) The [^{F1}Authority] may, on an application duly made in accordance with section 8 above and after being provided with all such information, documents and reports as it may require under that section, grant or refuse the application.
 - (2) The [^{F1}Authority] shall not grant an application unless satisfied that the criteria specified in Schedule 3 to this Act are fulfilled with respect to the applicant.
 - (3) In the case of an application by an applicant whose principal place of business is in a country or territory outside the United Kingdom the [^{F1}Authority] may regard itself as satisfied that the criteria specified in paragraphs 1, 4 and 5 of that Schedule are fulfilled if—
 - (a) the relevant supervisory authority in that country or territory informs the [^{F1}Authority] that it is satisfied with respect to the prudent management and overall financial soundness of the applicant; and
 - (b) the [^{F1}Authority] is satisfied as to the nature and scope of the supervision exercised by that authority.
- [^{F2}(3A) The [^{F1}Authority]] shall refuse an application made by a credit institution if it appears to the [^{F1}Authority] that—
- (a) the institution is an undertaking which is closely linked with any person; and
 - (b) the institution's close links with that person, or any matters relating to any non-EEA laws or administrative provisions to which that person is subject, are such as would prevent the effective exercise by the [^{F1}Authority] of its supervisory functions in relation to the institution;

Status: Point in time view as at 01/06/1998. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Banking Act 1987 (repealed), Section 9. (See end of Document for details)

and in this subsection and subsection (1B) of section 11 below 'non-EEA laws' means laws of a country or territory which is not a contracting party to the agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993, and "non-EEA administrative provisions" shall be construed accordingly.

- (4) In determining whether to grant or refuse an application the [^{F1}Authority] may take into account any matters relating—
- (a) to any person who is or will be employed by or associated with the applicant for the purposes of the applicant's deposit-taking business; and
 - (b) if the applicant is a body corporate, to any other body corporate in the same group or to any director or controller of any such other body.
- (5) No authorisation shall be granted to a partnership or unincorporated association if the whole of the assets available to it are owned by a single individual.
- (6) An authorisation granted to a partnership shall be granted in the partnership name and, without prejudice to sections 11 and 12 below, shall not be affected by any change in the partners.
- [^{F3}(7) Before granting an authorisation to a credit institution incorporated in or formed under the law of any part of the United Kingdom which is—
- (a) a subsidiary undertaking;
 - (b) a subsidiary undertaking of the parent undertaking; or
 - (c) controlled by the parent controller,
- of a credit institution which is for the time being authorised to act as such an institution by the relevant supervisory authority in another member State, the [^{F1}Authority] shall consult that authority.]

Textual Amendments

- F1** Words in s. 9 substituted (1.6.1998) by 1998 c. 11, s. 23, **Sch. 5 Pt. I Ch. I para. 4**; S.I. 1998/1120, **art. 2**
- F2** S. 9(3A) inserted (18.7.1996) by S.I. 1996/1669, **reg. 3(1)**
- F3** S. 9(7) inserted (1.1.1993) by S.I. 1992/3218, **reg. 26**.

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