



Banking Act 2009

2009 CHAPTER 1

PART 6 U.K.

BANKNOTES: SCOTLAND AND NORTHERN IRELAND

Enforcement

221 Offence: unlawful issue U.K.

- (1) A person who issues banknotes in Scotland or Northern Ireland otherwise than in reliance on section 213 commits an offence.
- (2) A person guilty of an offence under subsection (1) is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years, to a fine or to both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both.
- (3) An offence under subsection (1) committed by a body corporate is also committed by an officer of the body (“O”) if the offence—
 - (a) is committed with O's consent or connivance, or
 - (b) is attributable to O's negligence.
- (4) In subsection (3) “officer” means—
 - (a) a director,
 - (b) a manager,
 - (c) a secretary or similar officer, and
 - (d) a person purporting to act as an officer within paragraphs (a) to (c).
- (5) Subsection (3) applies to a partnership constituted under the law of Scotland as to a body corporate; for which purpose “officer” means—
 - (a) a partner, or
 - (b) a person purporting to act as a partner.

Changes to legislation: Banking Act 2009, Cross Heading: Enforcement is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (6) Proceedings for an offence under subsection (1) may be instituted—
- (a) in England and Wales, only by the Director of Public Prosecutions, and
 - (b) in Northern Ireland, only by the Director of Public Prosecutions for Northern Ireland.

Commencement Information

I1 S. 221 in force at 23.11.2009 by [S.I. 2009/3000](#), [art. 3](#)

222 Financial penalty **U.K.**

- (1) Banknote regulations may enable the Bank of England to impose a penalty on an authorised bank that fails to comply with banknote regulations or rules.
- (2) A penalty—
 - (a) shall be paid to the Bank of England, and
 - (b) is enforceable by the Bank of England as a debt.
- (3) Banknote regulations must establish a method for determining the maximum amount of a penalty.

Commencement Information

I2 S. 222 in force at 12.11.2009 for specified purposes and 23.11.2009 in so far as not already in force by [S.I. 2009/3000](#), [arts. 2, 3](#)

223 Termination of right to issue **U.K.**

- (1) The Treasury may determine—
 - (a) that an authorised bank has failed to comply with banknote regulations or banknote rules, and
 - (b) that, having regard to the nature of the failure, the authorised bank should no longer be permitted to issue banknotes in reliance on section 213.
- (2) Before making a determination the Treasury must consult the Bank of England.
- (3) On making a determination the Treasury shall notify the authorised bank.
- (4) Upon receipt of the notice the authorised bank loses the right to rely on section 213.
- (5) If an authorised bank ceases to have permission under ^[F1]Part 4A of the Financial Services and Markets Act 2000 (regulated activities) to carry on the regulated activity of accepting deposits, it loses the right to rely on section 213 above.
- (6) The reference in subsection (5) to ^[F2]Part 4A of the Financial Services and Markets Act 2000 includes a reference to any provision of the law of another country which the Treasury identify, in banknote regulations, as serving a similar purpose.
- (7) Transitional provision of banknote regulations (included in reliance on section 259(1)(c)) may include provision for a case where a bank loses the right to rely on section 213; in particular, the regulations may allow the bank to rely on the section for a specified transitional period or in respect of a specified class of transitional case.

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Textual Amendments

- F1** Words in s. 223(5) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 17 para. 54](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)
- F2** Words in s. 223(6) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 17 para. 54](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)
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Commencement Information

- I3** S. 223 in force at 12.11.2009 for specified purposes and 23.11.2009 in so far as not already in force by [S.I. 2009/3000, arts. 2, 3](#)

224 Application to court **U.K.**

Banknote regulations may enable the Bank of England to apply to the High Court or Court of Session for—

- (a) relief in respect of failure to comply with banknote regulations or rules, or
- (b) any order designed to ensure, or facilitate monitoring of, compliance with a provision of banknote regulations or rules.

Commencement Information

- I4** S. 224 in force at 12.11.2009 for specified purposes and 23.11.2009 in so far as not already in force by [S.I. 2009/3000, arts. 2, 3](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(8A)(8B) inserted by [2012 c. 21 s. 96\(3\)](#)
- s. 8(2)(d) and word inserted by [2012 c. 21 s. 96\(4\)\(b\)](#)