



# Banking Act 2009

## 2009 CHAPTER 1

### PART 5

#### INTER-BANK PAYMENT SYSTEMS

##### *Miscellaneous*

#### **204 Information**

- (1) The Bank of England may by notice in writing require a person to provide information—
  - (a) which the Bank thinks will help the Treasury in determining whether to make a recognition order, or
  - (b) which the Bank otherwise requires in connection with its functions under this Part.
- (2) In particular, a notice may require the operator of a recognised inter-bank payment system to notify the Bank if events of a specified kind occur.
- (3) A notice may require information to be provided—
  - (a) in a specified form or manner;
  - (b) at a specified time;
  - (c) in respect of a specified period.
- (4) The Bank may disclose information obtained by virtue of this section to—
  - (a) the Treasury;
  - (b) the FSA;
  - (c) an authority in a country or territory outside the United Kingdom which exercises functions similar to those of the Treasury, the Bank of England or the FSA in relation to inter-bank payment systems;
  - (d) the European Central Bank;
  - (e) the Bank for International Settlements.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Subsection (4)—
  - (a) overrides a contractual or other requirement to keep information in confidence, and
  - (b) is without prejudice to any other power to disclose information.
- (6) The Treasury may by regulations permit the disclosure of information obtained by virtue of this section to a specified person.
- (7) The Bank may publish information obtained by virtue of this section.
- (8) The Treasury may make regulations about the manner and extent of publication under subsection (7).
- (9) Regulations under this section—
  - (a) shall be made by statutory instrument, and
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) It is an offence—
  - (a) to fail without reasonable excuse to comply with a requirement under this section;
  - (b) knowingly or recklessly to give false information in pursuance of this section.
- (11) A person guilty of an offence is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum, or
  - (b) on conviction on indictment, to a fine.