



Banking Act 2009

2009 CHAPTER 1

PART 1

SPECIAL RESOLUTION REGIME

Incidental functions

65 Continuity obligations: onward property transfers

(1) In this section—

- (a) “onward transfer” means a transfer of property, rights or liabilities (whether or not under a power in this Part) from—
 - (i) a person who is a transferee under a property transfer instrument under section 12(2) (an “original transferee”), or
 - (ii) a bank, securities issued by which were earlier transferred by a share transfer order under section 13(2), and
- (b) the person to whom the onward transfer is made is referred to as an “onward transferee”.

(2) The continuity authority may—

- (a) provide for an obligation under section 63 to apply in respect of an onward transferee;
- (b) extend section 64 so as to permit action to be taken under section 64(2) for the purpose of enabling an onward transferee to operate transferred business, or part of it, effectively.

(3) “The continuity authority” means—

- (a) the Bank of England, where subsection (1)(a)(i) applies, and
- (b) the Treasury, where subsection (1)(a)(ii) applies.

(4) Subsection (2) may be relied on to impose obligations on—

- (a) an original transferee (where the original transfer was a property transfer),

Status: Point in time view as at 31/12/2014. This version of this provision has been superseded.

Changes to legislation: Banking Act 2009, Section 65 is up to date with all changes known to be in force on or before 04 September 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)

- (b) a residual bank within the meaning of section 63 (where the original transfer was a property transfer),
 - (c) the bank (where the original transfer was a share transfer),
 - (d) anything which is or was a group undertaking (within the meaning of section 1161(5) of the Companies Act 2006) of anything within paragraphs (a) to (c), or
 - (e) any combination.
- (5) Subsection (2) may be used to impose obligations—
- (a) in addition to obligations under or by virtue of section 63 or 64, or
 - (b) replacing obligations under or by virtue of either of those sections to a specified extent.
- (6) A power under subsection (2) is exercisable by giving a notice to each person—
- (a) on whom a continuity obligation is to be imposed under the power, or
 - (b) who is expected to benefit from a continuity obligation under the power.
- (7) Sections 63(3) to (7) and 64(3) and (4) apply to an obligation as applied under subsection (2)—
- (a) construing “transferred business” as the business transferred by means of the onward transfer, and
 - (b) with any other necessary modification.
- (8) The Bank of England may act under or by virtue of subsection (2) only with the consent of the Treasury.

Commencement Information

II S. 65 in force at 21.2.2009 by [S.I. 2009/296](#), art. 3, [Sch. para. 1](#)

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