



Banking Act 2009

2009 CHAPTER 1

PART 1

SPECIAL RESOLUTION REGIME

[^{F1}CHAPTER 3

SPECIAL RESOLUTION ACTION]

Incidental functions

75 Power to change law

- (1) The Treasury may by order amend the law for the purpose of enabling the powers under this Part to be used effectively, having regard to the special resolution objectives.
- (2) An order may be made—
 - (a) for the general purpose of the exercise of powers under this Part,
 - (b) to facilitate a particular proposed or possible use of a power, or
 - (c) in connection with a particular exercise of a power.
- (3) An order under subsection (2)(c) may make provision which has retrospective effect in so far as the Treasury consider it necessary or desirable for giving effect to the particular exercise of a power under this Act in connection with which the order is made (but in relying on this subsection the Treasury shall have regard to the fact that it is in the public interest to avoid retrospective legislation).
- (4) In subsection (1) “amend the law” means—
 - (a) disapply or modify the effect of a provision of an enactment (other than a provision made by or under this Act),
 - (b) disapply or modify the effect of a rule of law not set out in legislation, or
 - (c) amend any provision of an instrument or order made in the exercise of a stabilisation power.

Status: Point in time view as at 31/12/2023.

Changes to legislation: Banking Act 2009, Section 75 is up to date with all changes known to be in force on or before 21 July 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)

- (5) Provision under this section may relate to this Part as it applies—
- (a) to banks,
 - (b) to building societies,
 - (c) to credit unions (by virtue of section 89), ^{F1}...
 - ^{F2}(ca) to investment firms,]
 - ^{F3}(cb)
 - ^{F4}(cc) to third-country institutions,
 - (cd) to UK branches, or]
 - (d) to any combination.
- (6) Specific powers under this Part are without prejudice to the generality of this section.
- (7) An order—
- (a) shall be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (8) But if the Treasury think it necessary to make an order without complying with subsection (7)(b)—
- (a) the order may be made,
 - (b) the order shall lapse unless approved by resolution of each House of Parliament during the period of 28 days (ignoring periods of dissolution, prorogation or adjournment of either House for more than 4 days) beginning with the day on which the order is made,
 - (c) the lapse of an order under paragraph (b) does not invalidate anything done under or in reliance on the order before the lapse and at a time when neither House has declined to approve the order, and
 - (d) the lapse of an order under paragraph (b) does not prevent the making of a new order (in new terms).
- ^{F5}(9) For the purposes of this section—
- ^{F6}“third-country institution” has the same meaning as in section 48Z;]
 - “UK branch” means a branch located in the United Kingdom of a third-country institution authorised for the purposes of the Financial Services and Markets Act 2000 by the PRA or the FCA.]

Textual Amendments

- F1** Word in s. 75(5) omitted (1.8.2014) by virtue of [Financial Services Act 2012 \(c. 21\)](#), **ss. 101(4)**, 122(3) (with [Sch. 20](#)); [S.I. 2014/1847](#), art. 2
- F2** S. 75(5)(ca) inserted (1.8.2014) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 101(4)**, 122(3) (with [Sch. 20](#)); [S.I. 2014/1847](#), art. 2
- F3** S. 75(5)(cb) omitted (31.12.2023) by virtue of [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(3), **Sch. 11 para. 162(5)**; [S.I. 2023/1382](#), reg. 8(b) (with reg. 14)
- F4** S. 75(5)(cc)(cd) inserted (16.12.2016) by [The Bank Recovery and Resolution Order 2016 \(S.I. 2016/1239\)](#), arts. 1(2), **29(4)(a)(ii)**
- F5** S. 75(9) inserted (16.12.2016) by [The Bank Recovery and Resolution Order 2016 \(S.I. 2016/1239\)](#), arts. 1(2), **29(4)(b)**
- F6** Words in s. 75(9) substituted (31.12.2020) by [The Bank Recovery and Resolution and Miscellaneous Provisions \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1394\)](#), reg. 1(2), **Sch. 1 para. 28**; 2020 c. 1, Sch. 5 para. 1(1)

Status: Point in time view as at 31/12/2023.

Changes to legislation: Banking Act 2009, Section 75 is up to date with all changes known to be in force on or before 21 July 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)

Commencement Information

- I1** S. 75 in force at 17.2.2009 for specified purposes by [S.I. 2009/296](#), arts. 2, 3, Sch. para. 1
- I2** S. 75 in force at 21.2.2009 in so far as not already in force by [S.I. 2009/296](#), arts. 2, 3, [Sch. para. 1](#)

Status:

Point in time view as at 31/12/2023.

Changes to legislation:

Banking Act 2009, Section 75 is up to date with all changes known to be in force on or before 21 July 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.