
STATUTORY INSTRUMENTS

1993 No. 982

The Banking Appeal Tribunal (Amendment) Regulations 1993

Amendment of principal Regulations

2. The Banking Appeal Tribunal Regulations 1987(1) shall be amended as follows:

(a) in regulation 2(1), after the definition of “the Bank” there shall be inserted:

““the Banking Coordination Regulations” means the Banking Coordination (Second Council Directive) Regulations 1992(2);”

(b) for regulation 4, there shall be substituted the following:

“4. An appeal shall be brought by sending a notice of appeal to the secretary of the Banking Appeal Tribunal, 15-19 Bedford Avenue, London WC1B 3AS not later than—

(a) in the case of an appeal against the decision of the Bank (or any finding relating thereto) to revoke authorisation, 10 days from the date on which the Bank serves notice in writing on the appellant of its decision, or

(b) in the case of an appeal against the decision of the Bank to impose or vary a restriction on an institution’s authorisation as a matter of urgency, 28 days from the date on which the Bank imposes or varies the restriction by written notice to the institution under section 14(2) of the Act or 10 days from the date on which the Bank gives written notice to the institution under section 14(7) of the Act of its decision under section 14(6) of the Act, whichever is the later, or

(c) in the case of an appeal against the decision of the Bank to give a direction to an institution, 28 days from the date on which the Bank gives the direction by notice in writing under section 20(1) of the Act or 10 days from the date on which the Bank gives written notice to the institution under section 20(2)(b) of the Act confirming its decision, whichever is the later, or

(d) in any other case, 28 days from the date on which the Bank serves notice in writing on the appellant of its decision.”;

(c) in regulation 5(1) for paragraphs (b) and (c) there shall be instituted the following:

“(b) his address or where the appellant is an institution—

(i) which has its registered or principal office in the United Kingdom, the address of that office; or

(ii) which has its principal place of business in another member State, the address of that place of business;

(c) the address, if different from that referred to in sub-paragraph (b) to which applications, notices and other documents in connection with the appeal should be sent to the appellant—

(i) within the United Kingdom, or

(1) S.I.1987/1299.

(2) S.I. 1992/3218.

- (ii) within the member State where the appellant has its principal place of business.”;
- (d) in regulation 8(1), for the words “an appeal under section 27 (other than an appeal under section 27(2)(a))” there shall be substituted the words “an appeal other than an appeal under section 27(2)(a)”;
- (e) in regulation 10(1) for sub-paragraphs (i) and (ii) there shall be substituted the following:
 - “(a) not earlier than 5 days after the date on which the notice is sent; and
 - (b) not earlier than 21 days and not later than 35 days after the date of receipt by the secretary of the notice of appeal unless the chairman otherwise directs on the ground that he considers that the preliminary hearing should be held as a matter of urgency.”;
- (f) in regulation 11(1), for the words “On an application under section 27(5) of the Act for the suspension” there shall be substituted the words “On an application for the suspension under section 27(5) of the Act”;
- (g) in regulation 13(1)(c), for the words “commercially sensitive information” to the end there shall be substituted the words “information which relates to a person who is not a party to the appeal and which is commercially sensitive or was communicated or obtained in confidence”;
- (h) regulation 16(5) shall be omitted;
- (i) in regulation 20(1)(c), the word “Division” shall be inserted after the words “Banking Supervision”;
- (j) for regulation 22(1), there shall be substituted the following:

“22.—(1) Where in making its decision the Bank made a finding that a person is not a fit and proper person to hold the particular position in the institution which he holds or is to hold or imposed a requirement that a person be removed as a director, controller or manager of the institution and both the institution and the person concerned appeal against the decision, or where the institution appeals against the decision and the person concerned appeals against the finding, the chairman may at the preliminary hearing or at some other time direct that the appeals shall be consolidated:

Provided that the chairman shall not make such a direction without giving all parties concerned an opportunity to show cause to why such a direction should not be made.”; and

- (k) in the Schedule to the Banking Appeal Tribunal Regulations 1987 there shall be added the following paragraphs

“6. In the case of an appeal against a decision of the Bank to impose a prohibition or a restriction under regulation 9 or 10 of the Banking Coordination Regulations and pursuant to Schedule 3 to the Regulations—

- (a) a copy of any notice served under paragraph 2(2) of Schedule 3 thereof,
- (b) a copy of any written representations made in accordance with paragraph 2(5) of Schedule 3 thereof,
- (c) a copy of any notice served under paragraph 2(7) of Schedule 3 thereof, and
- (d) a copy of any written representations made in accordance with paragraph 2(11) of Schedule 3 thereof.

7. In the case of an appeal against a refusal by the Bank to give a notice as required under regulation 22 of the Banking Coordination Regulations and under paragraph 3(1)

or (2) or paragraph 6(1) of Schedule 6 to the Regulations, a copy of any notification of refusal to give such a notice under paragraph 4(6)(b) or paragraph 6(5)(b) of Schedule 6 therefore respectively.

8. In the case of an appeal against a decision of the Bank to impose a restriction under regulation 23 of the Banking Coordination Regulations and pursuant to Schedule 7 to the Regulations—

- (a) a copy of any notice served under paragraph 2(1) of Schedule 7 thereof,
- (b) a copy of any written representations made in accordance with paragraph 2(4) of Schedule 7 thereof,
- (c) a copy of any notice served under paragraph 2(6) of Schedule 7 thereof, and
- (d) a copy of any written representations made in accordance with paragraph 2(10) of Schedule 7 thereof.”.