
STATUTORY INSTRUMENTS

2014 No. 3348

The Bank Recovery and Resolution (No. 2) Order 2014

PART 3

Recovery and resolution planning

Recovery planning: preparatory steps and simplified obligations

7.—(1) For each institution in relation to which Chapter 1 of Part 4 applies the appropriate regulator must determine the date by which the institution is required to draw up a recovery plan.

(2) For each relevant group in relation to which Chapter 2 of Part 4 applies the appropriate regulator must determine the date by which a group recovery plan is to be drawn up.

(3) The appropriate regulator may determine—

- (a) that specified information in addition to the information set out in Section A of the Annex to the recovery and resolution directive (information to be included in recovery plans) is to be included in a recovery plan or group recovery plan; or
- (b) that any information set out in Section A of that Annex or other detail which would otherwise have to be included in a recovery plan or group recovery plan does not have to be included.

(4) The appropriate regulator may determine that a plan drawn up by an institution or an EEA parent undertaking is to be reviewed at intervals of more than one year.

Resolution planning: preparatory steps and simplified obligations

8.—(1) For each institution in relation to which Chapter 1 of Part 5 applies the Bank must determine the date by which it aims to draw up a resolution plan.

(2) For each relevant group in relation to which Chapter 2 of Part 5 applies the Bank must determine the date by which it aims to draw up a group resolution plan.

(3) The Bank may determine—

- (a) that specified information in addition to the information set out in Schedule 1, in the case of a resolution plan, or Schedule 2, in the case of a group resolution plan, including any of the information set out in Section B of the Annex to the recovery and resolution directive (information that resolution authorities may ask institutions to provide for the purposes of drawing up and maintaining resolution plans), is to be provided for the purpose of drawing up the plan; or
- (b) that a resolution plan does not need to contain all of the information set out in Schedule 1, or that a group resolution plan does not need to contain all of the information set out in Schedule 2.

(4) For the purpose of making an assessment of resolvability (within the meaning given in Chapter 1 of Part 6) or an assessment of group resolvability (within the meaning given in Chapter 2 of Part 6), the Bank may determine that it will—

- (a) consider specified matters in addition to the matters set out in Section C of the Annex to the recovery and resolution directive (matters that the resolution authority is to consider when assessing the resolvability of an institution or group); or
 - (b) make the assessment at a lower level of detail than would otherwise be required by article 60(2) or 62(3).
- (5) The Bank may determine that it will review a resolution plan or group resolution plan at intervals of more than one year.

Consultation with the Financial Policy Committee

9.—(1) The PRA and the FCA must consult the Financial Policy Committee (“the Committee”) before adopting a general policy on the imposition of simplified obligations in respect of any class of undertaking if the policy would, in the opinion of the PRA or FCA, have a material adverse impact on the advancement by the Committee of any of the Committee’s objectives under section 9C of the Bank of England Act 1998⁽¹⁾.

(2) The Bank must consult the Committee before adopting a general policy on the imposition of simplified obligations in respect of any class of undertaking if the policy would, in the Bank’s opinion, have a material adverse impact on the advancement by the Committee of any of the Committee’s objectives under section 9C of the Bank of England Act 1998.

(3) In this article “simplified obligations”—

- (a) in relation to the PRA or FCA, means the less onerous obligations that would result from a determination under article 7(3)(b) or (4);
- (b) in relation to the Bank, means the less onerous obligations that would result from a determination under article 8(3)(b), (4)(b) or (5).

Provision of information to EBA

10.—(1) The PRA and the FCA must provide EBA with such information as EBA may require about their policy with respect to—

- (a) making a determination under article 7(3)(b) or (4); or
- (b) any other matter relating to the imposition of simplified obligations.

(2) The Bank must provide EBA with such information as EBA may require about the Bank’s policy with respect to—

- (a) making a determination under article 8(3)(b), (4)(b) or (5); or
- (b) any other matter relating to the imposition of simplified obligations.

(3) In this article “simplified obligations” has the same meaning as in article 9(3).

(1) Section 9C was inserted by the Financial Services Act 2012, section 4(1).