
STATUTORY INSTRUMENTS

2015 No. 1945

**The Small and Medium Sized Business
(Credit Information) Regulations 2015**

PART 3

Designation of banks and credit reference agencies

Power to designate banks and credit reference agencies and to revoke designations

9.—(1) The Treasury may designate a bank or a credit reference agency for the purposes of these Regulations, and may revoke such designation.

(2) A designation, or the revocation of a designation—

- (a) takes effect on the date specified by the Treasury, or
- (b) if no such date is specified, takes effect immediately.

(3) The Treasury may exercise the power in paragraph (1) on its own initiative or at the request of another person.

(4) Paragraph (1) is subject to the requirements set out in this Part.

Criteria for the designation of a bank

10.—(1) The Treasury may designate a bank only if it is—

- (a) an institution that is a bank for the purposes of Part 1 of the Banking Act 2009(1), or
- (b) a finance provider that is a member of a banking group as defined in section 1164 of the Companies Act 2006(2).

(2) The Treasury must revoke the designation of a bank that no longer falls within paragraph (1) (a) or (b).

(3) In considering whether to designate a bank or revoke the designation of a bank, the Treasury must have regard to—

- (a) the value of current lending by the bank to small and medium sized businesses;
- (b) such value as a proportion of the total value of current lending to small and medium sized businesses;
- (c) the importance to the economy in Northern Ireland of the bank's current lending to small and medium sized businesses.

(4) In considering whether to designate a bank or to revoke the designation of a bank, the Treasury may also have regard to such other matters as they consider appropriate.

(1) 2009 c.1.

(2) Section 1164 was amended by paragraph 12 of Schedule 18 to the Financial Services Act 2012 (c.21)

Consultation before designation of a bank

11.—(1) Before designating a bank or revoking the designation of a bank, the Treasury may consult the Bank of England and any other person they consider appropriate.

(2) In considering whether to designate a bank or to revoke the designation of a bank, the Treasury may rely on advice or information provided in response to consultation under paragraph (1).

Criteria for the designation of a credit reference agency

12.—(1) The Treasury may designate a credit reference agency only if the agency—

- (a) carries on activities which consist primarily of the furnishing of persons with information relevant to the financial standing of persons or businesses and the collection of information for that purpose;
- (b) has procedures in place designed to give effect to the requirements of the Data Protection Act 1998⁽³⁾ and sections 158 to 160 of the Consumer Credit Act 1974⁽⁴⁾;
- (c) permits all small and medium sized businesses about which it holds information to access that information and to challenge inaccuracies;
- (d) has systems in place which protect information against loss, corruption, destruction, misuse and unauthorised access; and
- (e) has systems in place which are capable of processing information in bulk.

(2) In considering whether to designate a credit reference agency or to revoke the designation of a credit reference agency, the Treasury may also have regard to—

- (a) the agency's existing role in the furnishing of information relevant to the financial standing of persons or businesses in the United Kingdom;
- (b) the Treasury's view as to whether it is appropriate for the agency to have access to financial information about small and medium sized businesses in light of—
 - (i) the skills and experience of the persons who control and manage the activities carried on by the agency;
 - (ii) whether those persons can be expected to act with probity;
 - (iii) the robustness of systems and procedures referred to in paragraph (1)(b), (d) and (e); and
 - (iv) the agency's compliance, and likely future compliance, with the requirements referred to in paragraph (1)(b); and
- (c) such other matters as they consider appropriate.

Consultation before designation of a credit reference agency

13.—(1) Before designating a credit reference agency or revoking the designation of a credit reference agency, the Treasury may consult—

- (a) the company incorporated as a private company limited by shares on 18th July 2013 with the company number 08616013 and re-registered as a public company limited by shares on 29th October 2013 with the name British Business Bank plc;
- (b) a subsidiary of the company referred to in sub-paragraph (a); or
- (c) any other person they consider appropriate.

(3) 1998 c. 29.

(4) 1974 c. 39.

(2) In considering whether to designate a credit reference agency or to revoke the designation of a credit reference agency, the Treasury may rely on advice or information provided in response to consultation under paragraph (1).

Record of designated banks and credit reference agencies

- 14.** The Treasury must, in such manner as they determine,—
- (a) publish the details of each designation and revocation under regulation 9, and
 - (b) maintain a publicly accessible record of current designations.