



Banking Act 2009

2009 CHAPTER 1

PART 5

^{F1}... PAYMENT SYSTEMS [^{F1}AND SERVICE PROVIDERS]

Regulation

^{F1}191 Directions

- (1) The Bank of England may give directions in writing to—
 - ^{F2}(a) the operator of a recognised ^{F3}... [^{F4}payment] system,
 - ^{F5}(b) to a recognised DSA service provider,] or
 - ^{F6}(c) [^{F7} a service provider in relation to such a system [^{F8}or to such DSA service providers].]
- (2) A direction may—
 - (a) require or prohibit the taking of specified action in the operation of the system [^{F9}or the provision of services ^{F10}...];
 - (b) set standards to be met in the operation of the system [^{F11}or the provision of services ^{F12}...].
- (3) If a direction is given for the purpose of resolving or reducing a threat to the stability of the UK financial system, the operator [^{F13}, DSA service provider][^{F14}or service provider] (including [^{F15}the operator's [^{F16}, DSA service provider's] or service provider's] officers and staff) has immunity from liability in damages in respect of action or inaction in accordance with the direction.
- (4) A direction given for the purpose mentioned in subsection (3) must—
 - (a) include a statement that it is given for that purpose, and
 - (b) inform the operator [^{F17}, DSA service provider][^{F18}or service provider] of the effect of that subsection.

Changes to legislation: Banking Act 2009, Section 191 is up to date with all changes known to be in force on or before 13 April 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) View outstanding changes

- (5) The Treasury may by order confer immunity on any person from liability in damages in respect of action or inaction in accordance with a direction (including a direction given for the purpose mentioned in subsection (3)).
- (6) An order—
- (a) is to be made by statutory instrument, and
 - (b) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) An immunity conferred by or under this section does not extend to action or inaction—
- (a) in bad faith, or
 - (b) in contravention of section 6(1) of the Human Rights Act 1998.]

Textual Amendments

- F1** S. 191 substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 104(3)**, 122(3) (with [Sch. 20](#)); [S.I. 2013/423](#), [art. 3](#), [Sch.](#)
- F2** Words in [s. 191\(1\)](#) renumbered as [s. 191\(1\)\(a\)](#) (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), [s. 86\(2\)\(a\)](#), **Sch. 6 para. 19(2)(a)**
- F3** Word in [s. 191\(1\)](#) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), [s. 118\(2\)](#), **Sch. 9 para. 13**
- F4** Word in [s. 191\(1\)](#) inserted (1.3.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\)](#), [s. 148\(5\)](#), **Sch. 10 para. 8**; [S.I. 2014/377](#), [art. 2\(1\)\(a\)](#), [Sch. Pt. 1](#)
- F5** [S. 191\(1\)\(b\)](#) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), [s. 86\(2\)\(a\)](#), **Sch. 6 para. 19(2)(b)**
- F6** Words in [s. 191\(1\)](#) renumbered as [s. 191\(1\)\(c\)](#) (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), [s. 86\(2\)\(a\)](#), **Sch. 6 para. 19(2)(c)**
- F7** Words in [s. 191\(1\)](#) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), [arts. 1\(2\)](#), **2(11)(a)**
- F8** Words in [s. 191\(1\)\(c\)](#) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), [s. 86\(2\)\(a\)](#), **Sch. 6 para. 19(2)(d)**
- F9** Words in [s. 191\(2\)\(a\)](#) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), [arts. 1\(2\)](#), **2(11)(b)**
- F10** Words in [s. 191\(2\)\(a\)](#) omitted (29.8.2023) by virtue of [Financial Services and Markets Act 2023 \(c. 29\)](#), [s. 86\(2\)\(a\)](#), **Sch. 6 para. 19(3)(a)**
- F11** Words in [s. 191\(2\)\(b\)](#) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), [arts. 1\(2\)](#), **2(11)(b)**
- F12** Words in [s. 191\(2\)\(b\)](#) omitted (29.8.2023) by virtue of [Financial Services and Markets Act 2023 \(c. 29\)](#), [s. 86\(2\)\(a\)](#), **Sch. 6 para. 19(3)(b)**
- F13** Words in [s. 191\(3\)](#) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), [s. 86\(2\)\(a\)](#), **Sch. 6 para. 19(4)(a)**
- F14** Words in [s. 191\(3\)](#) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), [arts. 1\(2\)](#), **2(11)(c)(i)**
- F15** Words in [s. 191\(3\)](#) substituted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), [arts. 1\(2\)](#), **2(11)(c)(ii)**
- F16** Words in [s. 191\(3\)](#) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), [s. 86\(2\)\(a\)](#), **Sch. 6 para. 19(4)(b)**
- F17** Words in [s. 191\(4\)\(b\)](#) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), [s. 86\(2\)\(a\)](#), **Sch. 6 para. 19(5)**
- F18** Words in [s. 191\(4\)\(b\)](#) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), [arts. 1\(2\)](#), **2(11)(d)**

Changes to legislation:

Banking Act 2009, Section 191 is up to date with all changes known to be in force on or before 13 April 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(8A)(8B) inserted by [2012 c. 21 s. 96\(3\)](#)
- s. 8(2)(d) and word inserted by [2012 c. 21 s. 96\(4\)\(b\)](#)