



# Banking Act 2009

## 2009 CHAPTER 1

### PART 7

#### MISCELLANEOUS

#### *Bank of England*

#### 244 Immunity

- (1) The Bank of England has immunity in its capacity as a monetary authority.
- (2) In this section—
  - (a) a reference to the Bank of England is a reference to the Bank and anyone who acts or purports to act as a director, officer, [<sup>F1</sup>employee] or agent of the Bank,
  - (b) “immunity” means immunity from liability in damages in respect of action or inaction, and
  - (c) a reference to the Bank's capacity as a monetary authority includes a reference to [<sup>F2</sup>the exercise or purported exercise of the Bank's functions under the Financial Services and Markets Act 2000 [<sup>F3</sup>, [<sup>F4</sup>of its functions under, or as a result of regulations made under, the Financial Services and Markets Act 2023,] of its functions under or as a result of regulations made under section 8 of the European Union (Withdrawal) Act 2018][<sup>F5</sup>, of its functions under or in connection with this Act or as a resolution authority for the purposes of the recovery and resolution directive], of its other regulatory functions or of functions undertaken] by the Bank for the purpose of or in connection with—
    - (i) acting as the central bank of the United Kingdom, or
    - (ii) protecting or enhancing the stability of the financial systems of the United Kingdom.
- [<sup>F6</sup>(2A) The Bank's functions under the Financial Services and Markets Act 2000 are to be taken to include any functions that it may exercise as a result of an appointment under any of sections 97, 166 to 169 and 284 of that Act.]
- (3) The immunity does not extend to action or inaction—

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*Changes to legislation: Banking Act 2009, Section 244 is up to date with all changes known to be in force on or before 21 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*

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- (a) in bad faith, or
- (b) in contravention of section 6(1) of the Human Rights Act 1998.

#### Textual Amendments

- F1** Word in s. 244(2)(a) substituted (19.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 2 para. 3\(2\)\(a\)](#) (with [Sch. 20](#)); [S.I. 2013/113, art. 2\(2\), Sch. Pt. 4](#); [S.I. 2013/423, art. 3, Sch.](#)
- F2** Words in s. 244(2)(c) substituted (19.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 2 para. 3\(2\)\(b\)](#) (with [Sch. 20](#)); [S.I. 2013/113, art. 2\(2\), Sch. Pt. 4](#); [S.I. 2013/423, art. 3, Sch.](#)
- F3** Words in s. 244(2)(c) inserted (26.10.2018) by [The Financial Regulators Powers \(Technical Standards etc.\) \(Amendment etc.\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1115\), regs. 1\(2\), 8](#)
- F4** Words in s. 244(2)(c) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), ss. 75\(6\), 86\(3\); S.I. 2023/779, reg. 4\(ww\)](#)
- F5** Words in s. 244(2)(c) inserted (1.1.2015) by [The Bank Recovery and Resolution Order 2014 \(S.I. 2014/3329\), arts. 1\(2\), 108](#)
- F6** S. 244(2A) inserted (19.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 2 para. 3\(3\)](#) (with [Sch. 20](#)); [S.I. 2013/113, art. 2\(2\), Sch. Pt. 4](#); [S.I. 2013/423, art. 3, Sch.](#)

#### Commencement Information

- I1** S. 244 in force at 21.2.2009 by [S.I. 2009/296, art. 3, Sch. para. 8](#)

**Changes to legislation:**

Banking Act 2009, Section 244 is up to date with all changes known to be in force on or before 21 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\(4\)\(b\)](#)