



# Bank of England and Financial Services Act 2016

## 2016 CHAPTER 14

### PART 3

#### MISCELLANEOUS AND GENERAL

##### *Banknotes in Scotland and Northern Ireland*

### **38 Banks authorised to issue banknotes in Scotland and Northern Ireland**

- (1) The Banking Act 2009 is amended as follows.
- (2) In section 207(b) (overview of Part 6) for the words from “banks” to the end substitute “ authorised banks (see section 210). ”
- (3) In section 210 (authorised bank)—
  - (a) the words from “a bank” to the end become paragraph (a);
  - (b) at the end of that paragraph insert “ (unless by virtue of regulations under section 214A it is no longer an authorised bank for the purposes of this Part), or ”;
  - (c) after that paragraph insert—
    - “(b) a bank which is designated as an authorised bank for the purposes of this Part by regulations under section 214A(1) (a).”
- (4) In section 213 (saving for existing issuers)—
  - (a) the existing text becomes subsection (1);
  - (b) in that subsection, after “bank” insert “ within section 210(a) ”;
  - (c) after that subsection insert—
    - “(2) An authorised bank within section 210(b) may issue banknotes, but only—

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- (a) in accordance with the provisions of this Part, and
  - (b) in the part of the United Kingdom which is specified in relation to the bank in regulations under section 214A(1)(b).”;
  - (d) for the heading substitute “ Authorisation to issue banknotes ”.
- (5) After section 214 insert—

**“214A Power to designate banks as “authorised banks”**

- (1) The Treasury may by regulations—
  - (a) specify a bank which on and after the designation date is designated as an authorised bank for the purposes of this Part,
  - (b) specify a part of the United Kingdom in which the bank may issue banknotes, and
  - (c) make provision about how the bank is to be identified on those banknotes.
- (2) Regulations under subsection (1)—
  - (a) may only specify under paragraph (a) a bank (the newly authorised bank) which is in the same group as an authorised bank (the previously authorised bank) which has the right to rely on section 213;
  - (b) may only specify under paragraph (b) the part of the United Kingdom in which the previously authorised bank is authorised to issue banknotes;
  - (c) must procure that on and after the designation date the previously authorised bank is no longer an authorised bank for the purposes of this Part by—
    - (i) in the case of a previously authorised bank within section 210(a), providing that it is no longer an authorised bank for the purposes of this Part;
    - (ii) in the case of a previously authorised bank within section 210(b), revoking its designation;
  - (d) must provide for the newly authorised bank to be treated as having issued any banknotes in circulation which were issued by the previously authorised bank;
  - (e) must provide for the transfer of any rights or liabilities in relation to those banknotes to the newly authorised bank from the previously authorised bank;
  - (f) may provide for anything done by or in relation to the previously authorised bank in connection with those banknotes to be treated as having been done by or in relation to the newly authorised bank for the purposes specified in the regulations;
  - (g) may make further provision about banknotes issued by the previously authorised bank;
  - (h) may make provision about banknotes held by or on behalf of the previously authorised bank which are not in circulation.
- (3) The reference in subsection (2)(d) and (g) to banknotes issued by the previously authorised bank includes a reference to banknotes which are to be

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treated as having been issued by that bank as a result of regulations made under subsection (1) (or any other enactment).

- (4) Regulations under subsection (1) must—
- (a) specify a date as the designation date, or
  - (b) if no such date is specified, make provision for the designation date to be determined by the Treasury and published by the Treasury before the designation date in the appropriate Gazettes.
- (5) The appropriate Gazettes are the London Gazette and—
- (a) if the part of the United Kingdom specified under subsection (1)(b) is Scotland, the Edinburgh Gazette;
  - (b) if the part of the United Kingdom specified under subsection (1)(b) is Northern Ireland, the Belfast Gazette.
- (6) Before specifying a bank under subsection (1)(a) the Treasury must obtain the consent of the Bank of England.
- (7) The Bank of England must prepare and publish a statement of the matters which it intends to take into account in deciding whether to give its consent.
- (8) The power to make regulations under this section—
- (a) is exercisable by statutory instrument;
  - (b) includes a power to make transitory or saving provision;
  - (c) includes a power to apply (with or without modifications) or disapply any provision of an Act or subordinate legislation whenever passed or made.
- (9) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (10) For the purposes of this section—
- “bank” has the same meaning as in Part 1 (see section 2),
  - “designation date” in relation to regulations under subsection (1) means the date specified or determined, as the case may be, in accordance with subsection (4),
  - “group” has the meaning given by section 421 of the Financial Services and Markets Act 2000, and
- a banknote is in circulation from the time that it is issued by an authorised bank until the time that it is returned to the bank (or a bank which is treated as having issued it as a result of regulations made under subsection (1) or any other enactment).”
- (6) In section 259(3) (statutory instruments), in Part 6 of the Table, before the entry relating to section 215 insert—

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“214A

Issuers of banknotes: Scotland Draft affirmative resolution”  
and Northern Ireland

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### Commencement Information

**II** S. 38 in force at 6.7.2016 by S.I. 2016/627, reg. 2(1)(bb)

## General

### 39 Consequential provision

- (1) The Treasury or the Secretary of State may by regulations make the provision in subsection (2) in consequence of any provision made by or under this Act.
- (2) The provision referred to in subsection (1) is provision amending, repealing, revoking or applying with modifications any provision of primary or secondary legislation to which this section applies.
- (3) This section applies to primary and secondary legislation passed or made—
  - (a) before the passing of this Act, or
  - (b) on or before the last day of the session in which this Act is passed.
- (4) Regulations under this section—
  - (a) may make saving, transitory or transitional provision;
  - (b) may make different provision for different purposes.
- (5) The power to make regulations under this section is exercisable by statutory instrument.
- (6) A statutory instrument containing regulations under this section—
  - (a) if it contains (whether alone or with other provision) provision which amends or repeals any provision of primary legislation, may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament, and
  - (b) otherwise, is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—
 

“primary legislation” means an Act, an Act of the Scottish Parliament, a Measure or Act of the National Assembly for Wales, or Northern Ireland legislation;

“secondary legislation” means an instrument made under primary legislation.

### 40 Extent

- (1) Subject to subsection (2) this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) An amendment or repeal made by this Act has the same extent as the provision amended or repealed.

### 41 Commencement

- (1) The following provisions come into force on the day on which this Act is passed—

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- (a) section 31;
  - (b) section 37;
  - (c) sections 39 to 42.
- (2) Section 32 comes into force on such day as the Secretary of State may by regulations appoint.
- (3) The other provisions of this Act come into force on such day as the Treasury may by regulations appoint.
- (4) The Treasury or the Secretary of State may by regulations make saving, transitory or transitional provision in connection with the coming into force of any provision made by or under this Act.
- (5) Regulations under this section may make different provision for different purposes.
- (6) The power to make regulations under this section is exercisable by statutory instrument.

#### **42 Short title**

This Act may be cited as the Bank of England and Financial Services Act 2016.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2019/1136 by [S.I. 2020/929 reg. 2](#)