

2009 No. 3000 (C. 129)

BANKS AND BANKING

The Banking Act 2009 (Commencement No. 4) Order 2009

Made - - - - 11th November 2009

In exercise of the powers conferred by section 263(1) and (3) of the Banking Act 2009(a), the Treasury make the following Order.

Citation and interpretation

- 1.—(1) This Order may be cited as the Banking Act 2009 (Commencement No. 4) Order 2009.
- (2) In this Order “the Act” means the Banking Act 2009.

Provisions conferring power to make secondary legislation

2. To the extent that the provisions referred to in articles 3 and 4 confer or relate to the power to make subordinate legislation, those provisions come into force on 12th November 2009 for the purpose of enabling subordinate legislation to be made; but no such subordinate legislation may come into force—

- (a) in the case of subordinate legislation made under the provisions referred to in article 3, before 23rd November 2009;
- (b) in the case of subordinate legislation made under the provisions referred to in article 4, before 31st December 2009.

Provisions of the Act coming into force on 23rd November 2009

3. The provisions of Part 6 of the Act (banknotes: Scotland and Northern Ireland) come into force on 23rd November 2009.

Provisions of the Act coming into force on 31st December 2009

4. The provisions of Part 5 of the Act (inter-bank payment systems) listed in the Schedule come into force on 31st December 2009.

Tony Cunningham
Steve McCabe

11th November 2009

Two of the Lords Commissioners of Her Majesty’s Treasury

SCHEDULE

1. Sections 188 to 192 (regulation)

2. Sections 193 to 202 (enforcement)
3. Section 203 (fees)
4. Section 204 (1)(b), (4)(c), (4)(d), (4)(e) and (7) (information)
5. Section 206 (saving for informal oversight)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force various provisions of the Banking Act 2009 (“the Act”).

Article 2 enables secondary legislation to be made on or after 12th November 2009, although any such secondary legislation may not come into force before the dates specified in paragraphs (a) and (b) (as the case may be).

Article 3 specifies that Part 6 of the Act (sections 207 to 227) is brought into force on 23rd November 2009. Part 6 of the Act repeals existing provisions about permission to issue banknotes in Scotland and Northern Ireland^(a) and replaces those provisions in respect of banks with permission to issue banknotes.

Article 4 specifies that the remaining provisions of Part 5 of the Act (inter-bank payment systems)^(b) are brought into force on 31st December 2009. Part 5 of the Act makes provision for a new regulatory regime for the oversight by the Bank of England of inter-bank payment systems specified by the Treasury as recognised systems under section 184(1) of the Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
ss 1 to 169, 171, 173 to 180, 228 to 237, 244 to 253, 257 to 262	21.02.2009	2009/296
ss 238 to 243	01.06.2009	2009/1296
ss 181 to 187, 204(1)(a), (2), (3), (4)(a), (4)(b), (5), (6), (8) to (11), 205	04.08.2009	2009/2038

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- (a) In particular, provisions of the Bank Notes (Scotland) Act 1845 (c. 38) and the Bankers (Ireland) Act 1845 (c.37).
 (b) Various provisions of Part 5 of the Act came into force on 4th August 2009 by virtue of the Banking Act 2009 (Commencement No. 3) Order 2009 (S.I. 2009/2038).

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