



# Financial Services (Banking Reform) Act 2013

## 2013 CHAPTER 33

### PART 6

#### SPECIAL ADMINISTRATION FOR OPERATORS OF CERTAIN INFRASTRUCTURE SYSTEMS

##### *FMI administration orders*

#### **120 Power to direct FMI administrator**

- (1) If the Bank of England considers it necessary to do so for the purpose of achieving the objective of an FMI administration, the Bank may direct the FMI administrator to take, or refrain from taking, specified action.
- (2) In deciding whether to give a direction under this section, the Bank of England must have regard to the public interest in—
  - (a) the protection and enhancement of the stability of the financial system of the United Kingdom, and
  - (b) the maintenance of public confidence in that system.
- (3) A direction under this section must not be incompatible with a direction of the court that is in force under Schedule B1 to the 1986 Act.
- (4) The Bank of England must, within a reasonable time of giving the direction, give the FMI administrator a statement of its reasons for giving the direction.
- (5) A person listed in subsection (6) has immunity from liability in damages in respect of action or inaction in accordance with a direction under this section.
- (6) Those persons are—
  - (a) the FMI administrator;
  - (b) the company in FMI administration;
  - (c) the officers or staff of the company.

*Status: This is the original version (as it was originally enacted).*

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- (7) Immunity conferred by 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.
- (8) This section does not limit the powers conferred on the Bank of England by section 191 of the Banking Act 2009 (directions) in relation to a recognised inter-bank payment system.