



# Financial Services (Banking Reform) Act 2013

## 2013 CHAPTER 33

### PART 5

#### REGULATION OF PAYMENT SYSTEMS

##### *Disclosure of information*

#### **92 Exemptions from section 91**

- (1) Section 91 does not prevent a disclosure of confidential information which—
  - (a) is made for the purpose of facilitating the carrying out of a public function, and
  - (b) is permitted by regulations made by the Treasury under this section.
- (2) For the purposes of this section “public functions” includes—
  - (a) functions conferred by or in accordance with any provision contained in any enactment;
  - <sup>F1</sup>(b) .....
  - (c) similar functions [<sup>F2</sup>to those in paragraph (a)] conferred on persons by or under provisions having effect as part of the law of a country or territory outside the United Kingdom;
  - (d) functions exercisable in relation to specified disciplinary proceedings.
- (3) Regulations under this section may, in particular, make provision permitting the disclosure of confidential information or of confidential information of a specified kind—
  - (a) by specified recipients, or recipients of a specified description, to any person for the purpose of enabling or assisting the recipient to discharge specified public functions;

*Changes to legislation: There are currently no known outstanding effects for the Financial Services (Banking Reform) Act 2013, Section 92. (See end of Document for details)*

- (b) by specified recipients, or recipients of a specified description, to specified persons, or persons of specified descriptions, for the purpose of enabling or assisting those persons to discharge specified public functions;
  - (c) by the Payment Systems Regulator to the Treasury for any purpose;
  - (d) by any recipient if the disclosure is with a view to or in connection with specified proceedings.
- (4) Regulations under this section may also include provision—
- (a) making any permission to disclose confidential information subject to conditions (which may relate to the obtaining of consents or any other matter);
  - (b) restricting the uses to which confidential information disclosed under the regulations may be put.
- (5) In relation to confidential information, each of the following is a “recipient”—
- (a) a primary recipient;
  - (b) a person obtaining the information directly or indirectly from a primary recipient.
- (6) In this section—
- “confidential information” and “primary recipient” have the same meaning as in section 91;
  - “specified” means specified in regulations.

#### Textual Amendments

- F1** S. 92(2)(b) omitted (31.12.2020) by virtue of [The Public Record, Disclosure of Information and Co-operation \(Financial Services\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/681\)](#), regs. 1(3), **3(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 92(2)(c) inserted (31.12.2020) by [The Public Record, Disclosure of Information and Co-operation \(Financial Services\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/681\)](#), regs. 1(3), **3(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Modifications etc. (not altering text)

- C1** Ss. 81-93 applied (with modifications) (9.12.2015) by [The Payment Card Interchange Fee Regulations 2015 \(S.I. 2015/1911\)](#), regs. 1, **14(1)**
- C2** Ss. 81-93 applied (with modifications) (13.1.2018) by [The Payment Services Regulations 2017 \(S.I. 2017/752\)](#), regs. 1(6), **135(1)** (with reg. 3)

#### Commencement Information

- I1** S. 92 in force at 1.3.2014 by [S.I. 2014/377](#), art. 2(1)(a), **Sch. Pt. 1**

**Changes to legislation:**

There are currently no known outstanding effects for the Financial Services (Banking Reform) Act 2013, Section 92.