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SCHEDULES

SCHEDULE 1

Section 53(4).

SPECIAL DEFENCES

Market makers

- 1 (1) An individual is not guilty of insider dealing by virtue of dealing in securities or encouraging another person to deal if he shows that he acted in good faith in the course of—
 - (a) his business as a market maker, or
 - (b) his employment in the business of a market maker.
- (2) A market maker is a person who—
 - (a) holds himself out at all normal times in compliance with the rules of a regulated market or an approved organisation as willing to acquire or dispose of securities; and
 - (b) is recognised as doing so under those rules.
- (3) In this paragraph “approved organisation” means an international securities self-regulating organisation approved under paragraph 25B of Schedule 1 to the ^{M1}Financial Services Act 1986.

Marginal Citations

M1 1986 c. 60.

Market information

- 2 (1) An individual is not guilty of insider dealing by virtue of dealing in securities or encouraging another person to deal if he shows that—
 - (a) the information which he had as an insider was market information; and
 - (b) it was reasonable for an individual in his position to have acted as he did despite having that information as an insider at the time.
- (2) In determining whether it is reasonable for an individual to do any act despite having market information at the time, there shall, in particular, be taken into account—
 - (a) the content of the information;
 - (b) the circumstances in which he first had the information and in what capacity; and
 - (c) the capacity in which he now acts.
- 3 An individual is not guilty of insider dealing by virtue of dealing in securities or encouraging another person to deal if he shows—

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- (a) that he acted—
 - (i) in connection with an acquisition or disposal which was under consideration or the subject of negotiation, or in the course of a series of such acquisitions or disposals; and
 - (ii) with a view to facilitating the accomplishment of the acquisition or disposal or the series of acquisitions or disposals; and
 - (b) that the information which he had as an insider was market information arising directly out of his involvement in the acquisition or disposal or series of acquisitions or disposals.
- 4 For the purposes of paragraphs 2 and 3 market information is information consisting of one or more of the following facts—
- (a) that securities of a particular kind have been or are to be acquired or disposed of, or that their acquisition or disposal is under consideration or the subject of negotiation;
 - (b) that securities of a particular kind have not been or are not to be acquired or disposed of;
 - (c) the number of securities acquired or disposed of or to be acquired or disposed of or whose acquisition or disposal is under consideration or the subject of negotiation;
 - (d) the price (or range of prices) at which securities have been or are to be acquired or disposed of or the price (or range of prices) at which securities whose acquisition or disposal is under consideration or the subject of negotiation may be acquired or disposed of;
 - (e) the identity of the persons involved or likely to be involved in any capacity in an acquisition or disposal.

Price stabilisation

- 5 (1) An individual is not guilty of insider dealing by virtue of dealing in securities or encouraging another person to deal if he shows that he acted in conformity with the price stabilisation rules.
- (2) In this paragraph “the price stabilisation rules” means rules which—
- (a) are made under section 48 of the ^{M2}Financial Services Act 1986 (conduct of business rules); and
 - (b) make provision of a description mentioned in paragraph (i) of subsection (2) of that section (price stabilisation rules).

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M2 1986 c. 60.

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SCHEDULE 2

Section 54.

SECURITIES

Shares

- 1 Shares and stock in the share capital of a company (“shares”).

Debt securities

- 2 Any instrument creating or acknowledging indebtedness which is issued by a company or public sector body, including, in particular, debentures, debenture stock, loan stock, bonds and certificates of deposit (“debt securities”).

Warrants

- 3 Any right (whether conferred by warrant or otherwise) to subscribe for shares or debt securities (“warrants”).

Depository receipts

- 4 (1) The rights under any depository receipt.
(2) For the purposes of sub-paragraph (1) a “depository receipt” means a certificate or other record (whether or not in the form of a document)—
(a) which is issued by or on behalf of a person who holds any relevant securities of a particular issuer; and
(b) which acknowledges that another person is entitled to rights in relation to the relevant securities or relevant securities of the same kind.
(3) In sub-paragraph (2) “relevant securities” means shares, debt securities and warrants.

Options

- 5 Any option to acquire or dispose of any security falling within any other paragraph of this Schedule.

Futures

- 6 (1) Rights under a contract for the acquisition or disposal of relevant securities under which delivery is to be made at a future date and at a price agreed when the contract is made.
(2) In sub-paragraph (1)—
(a) the references to a future date and to a price agreed when the contract is made include references to a date and a price determined in accordance with terms of the contract; and
(b) “relevant securities” means any security falling within any other paragraph of this Schedule.

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Contracts for differences

- 7 (1) Rights under a contract which does not provide for the delivery of securities but whose purpose or pretended purpose is to secure a profit or avoid a loss by reference to fluctuations in—
 - (a) a share index or other similar factor connected with relevant securities;
 - (b) the price of particular relevant securities; or
 - (c) the interest rate offered on money placed on deposit.
- (2) In sub-paragraph (1) “relevant securities” means any security falling within any other paragraph of this Schedule.

SCHEDULE 3

Section 65(3).

FINANCIAL PENALTIES

Increases in certain maximum fines

- 1 (1) In section 17 of the ^{M3}Criminal Justice Act 1991 (increases in certain maximum fines), subsection (3)(e) shall cease to have effect.
- (2) In Schedule 4 to that Act (increase of certain maxima) Part V shall cease to have effect.

Marginal Citations
 M3 1991 c. 53.

Statements as to offenders’ financial circumstances

^{F12}

Textual Amendments
 F1 Sch. 3 para. 2 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Remission of fines

^{F23}

Textual Amendments
 F2 Sch. 3 para. 3 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Default in paying unit fines

- 4 Section 22 of the Act of 1991 (default in paying fines fixed under section 18 of that Act) shall cease to have effect.

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Responsibility of parents and guardians

F3 5

Textual Amendments

F3 Sch. 3 para. 5 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Other amendments

6 F4(1)

F4(2)

(3) In section 97 of the ^{M4}Magistrates' Courts Act 1980 (maximum fine for refusal to give evidence), the following subsection shall be substituted for subsection (5)—

“(5) A fine imposed under subsection (4) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.

(4) In section 12 of the ^{M5}Contempt of Court Act 1981 (maximum fine for contempt in face of magistrates' court), the following subsection shall be substituted for subsection (2A)—

“(2A) A fine imposed under subsection (2) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.

(5) In section 14 of that Act (maximum fine for contempt in an inferior court), the following subsection shall be substituted for the subsection (2A) inserted by the ^{M6}Criminal Justice Act 1991—

“(2A) A fine imposed under subsection (2) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.

F4(6)

F4(7)

Textual Amendments

F4 Sch. 3 para. 6(1)(2)(6)(7) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Marginal Citations

M4 1980 c. 43.

M5 1981 c. 49.

M6 1991 c. 53.

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SCHEDULE 4

Section 77.

EXTENSIONS AND EXEMPTIONS

The Drug Trafficking Offences Act 1986 (c.32)

F51

Textual Amendments

F5 Sch. 4 para. 1 repealed (3.2.1995) by 1994 c. 37, ss. 67, 69(2), Sch. 3 (with saving in Sch. 2 para. 10)

The Criminal Justice (Scotland) Act 1987 (c.41)

- 2 The same section as is inserted in the Act of 1986 by paragraph 1 shall be inserted in the Criminal Justice (Scotland) Act 1987, after section 46, as section 46A, but with the substitution—
- (a) in subsection (1), of “ sections 42 to 43B of this Act ” for “sections 23A, 24, 26B, 26C and 31 of this Act”; and
 - (b) in subsection (2), of “ 43A ” for “26B”.

The Criminal Justice Act 1988 (c.33)

- 3 The same section as is inserted in the Act of 1986 by paragraph 1 shall be inserted in the Criminal Justice Act 1988, after section 93F, as section 93G, but with—
- (a) the substitution in subsection (1), of “ sections 93A, 93B, 93C(2) and 93D above ” for “sections 23A, 24, 26B, 26C and 31 of this Act”; and
 - (b) the omission of subsections (2) to (4).

The Prevention of Terrorism (Temporary Provisions) Act 1989 (c.4)

- 4 The same section as is inserted in the Act of 1986 by paragraph 1 shall be inserted in the Prevention of Terrorism (Temporary Provisions) Act 1989, immediately after section 19, as section 19A, but with the substitution—
- (a) in subsection (1), of “ sections 9 to 11, 17 and 18A above ” for “sections 23A, 24, 26B, 26C and 31 of this Act”; and
 - (b) in subsection (2), of “ 18A ” for “26B”.

The Criminal Justice (International Co-operation) Act 1990 (c.5)

- [F65 The same section as is inserted in the Act of 1986 by paragraph 1 shall be inserted in the Criminal Justice (International Co-operation) Act 1990, after section 23, as section 23A, but with—
- (a) the substitution in subsection (1), of “ section 14(2) above ” for “sections 23A, 24, 26B, 26C and 31 of this Act”; and
 - (b) the omission of subsections (2) to (4).]

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Textual Amendments

F6 Sch. 4 para. 5 repealed (E.W.) (3.2.1995) by 1994 c. 37, ss. 67, 69(2), Sch. 3

The Northern Ireland (Emergency Provisions) Act 1991 (c.24)

F76

Textual Amendments

F7 Sch. 4 para. 6 repealed (25.8.1996) by 1996 c. 22, ss. 62(1), 63(7), Sch. 7 Pt. I

SCHEDULE 5

Section 79(13).

CONSEQUENTIAL AMENDMENTS

Extent Information

E1 The provisions of Sch. 5 have the same extent as the provisions on which they operate

PART I

ENACTMENTS

The Criminal Appeal Act 1968 (c.19)

1 In section 50 of the Criminal Appeal Act 1968 (meaning of “sentence”), the following shall be substituted for subsection (1)—

“(1) In this Act “sentence”, in relation to an offence, includes any order made by a court when dealing with an offender including, in particular—

- (a) a hospital order under Part III of the ^{M7}Mental Health Act 1983, with or without a restriction order;
- (b) an interim hospital order under that Part;
- (c) a recommendation for deportation;
- (d) a confiscation order under the ^{M8}Drug Trafficking Offences Act 1986 other than one made by the High Court;
- (e) a confiscation order under Part VI of the ^{M9}Criminal Justice Act 1988;
- (f) an order varying a confiscation order of a kind which is included by virtue of paragraph (d) or (e) above;
- (g) an order made by the Crown Court varying a confiscation order which was made by the High Court by virtue of section 4A of the Act of 1986; and

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(h) a declaration of relevance under the ^{M10}Football Spectators Act 1989.”.

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Marginal Citations

M7 1983 c. 20.
M8 1986 c. 32.
M9 1988 c. 33.
M10 1989 c. 37.

The Criminal Procedure (Scotland) Act 1975 (c. 21)

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Textual Amendments

F8 Sch. 5 para. 2 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), **Sch. 5** (with Sch. 3 paras. 1, 3)

The Criminal Appeal (Northern Ireland) Act 1980 (c.47)

^{F9}₃

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Textual Amendments

F9 Sch. 5 para. 3 repealed (25.8.1996) by 1996 c. 22, ss. 62(1), 63(7), **Sch. 7 Pt. I**

The Companies Act 1985 (c.6)

4 (1) In section 744 of the Companies Act 1985 (interpretation), for the definition of “the Insider Dealing Act”, there shall be substituted—

““the insider dealing legislation” means Part V of the Criminal Justice Act 1993 (insider dealing).”

(2) In the 1985 Act for “Insider Dealing Act”, wherever it occurs, there shall be substituted “insider dealing legislation”.

The Drug Trafficking Offences Act 1986 (c.32)

^{F10}₅

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Textual Amendments

F10 Sch. 5 para. 5 repealed (3.2.1995) by 1994 c. 37, ss. 67, 69(2), **Sch. 3**

^{F11}₆

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Textual Amendments

F11 Sch. 5 para. 6 repealed (3.2.1995) by 1994 c. 37, ss. 67, 69(2), Sch. 3

The Financial Services Act 1986 (c.60)

- 7 The Financial Services Act 1986 shall be amended as follows.
- 8 In section 128C(3)(b) (enforcement in support of overseas regulatory authority) for “the ^{M11}Company Securities (Insider Dealing) Act 1985” there shall be substituted “ Part V of the Criminal Justice Act 1993 (insider dealing) ”.

Marginal Citations

M11 1985 c. 8.

- 9 (1) In section 177 (investigations into insider dealing), in subsection (1)—
- (a) for the words “there may have been a contravention of section 1, 2, 4 or 5 of the Company Securities (Insider Dealing) Act 1985” there shall be substituted “ an offence under Part V of the Criminal Justice Act 1993 (insider dealing) may have been committed ”; and
 - (b) for the words “contravention has occurred” there shall be substituted “ offence has been committed ”.
- (2) In subsection (3) of that section—
- (a) for the word “contravention” there shall be substituted “ offence ”; and
 - (b) in paragraph (a) for the words from “relating to” to the end there shall be substituted “ which appear to them to be relevant to the investigation ”.
- (3) In subsection (4) of that section for the word “contravention” there shall be substituted “ offence ”.
- 10 (1) In section 178 (penalties for failure to co-operate with s. 177 investigations), in subsection (1) for the words “contravention has occurred” there shall be substituted “ offence has been committed ”.
- (2) In subsection (6) of that section for the words “contravention or suspected contravention” there shall be substituted “ offence or suspected offence ”.
- 11 In subsection (1) of section 189 (restriction of Rehabilitation of Offenders Act 1974), in paragraph (b) “(including insider dealing)” shall be omitted and at the end there shall be inserted “ or insider dealing ”.

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- 12 (1) In section 199 (powers of entry), in subsection (1) for paragraph (b) there shall be substituted—
“(b) under Part V of the Criminal Justice Act 1993 (insider dealing).”.
- (2) After subsection (8) of that section there shall be inserted—
“(8A) In the application of this section to Northern Ireland for the references to information on oath substitute references to complaint on oath.”.

The Banking Act 1987 (c.22)

- 13 In section 84(6)(b) of the Banking Act 1987 (disclosure for facilitating discharge of functions by other supervisory authorities) for “the Company Securities (Insider Dealing) Act 1985” there shall be substituted “ Part V of the Criminal Justice Act 1993 (insider dealing) ”.

The Criminal Justice Act 1988 (c.33)

- 14 (1) Section 98 of the Criminal Justice Act 1988 (disclosure of information subject to contractual restriction on disclosure) shall cease to have effect.
- (2) In section 172 of the 1988 Act (extent)—
(a) in subsection (2), after “84 to 88” there shall be inserted “ sections 93A to 93D; sections 93F and 93G ”; and
(b) in subsection (4), after “sections 90 to 93” there shall be inserted “ section 93E ”.

Commencement Information

- II** [Sch. 5 para. 14](#) partly in force; [Sch. 5 para. 14](#) not in force at Royal Assent, see [s. 78\(3\)](#); [Sch. 5 para. 14](#) in force at 15.2.1994 by [S.I. 1994/71](#), [arts. 2, 3](#), [Sch.](#)

The Prevention of Terrorism (Temporary Provisions) Act 1989 (c.4)

- 15 In section 19(1) of the Prevention of Terrorism (Temporary Provisions) Act 1989 (institution of proceedings) for the words “or 18” in both places where they occur there shall be substituted “ , 18 or 18A ”.

The Companies Act 1989 (c.40)

- 16 In section 82(2)(b) of the Companies Act 1989 (request for assistance by overseas regulatory authority) for “the Company Securities (Insider Dealing) Act 1985” there shall be substituted “ Part V of the Criminal Justice Act 1993 (insider dealing) ”.

The Northern Ireland (Emergency Provisions) Act 1991 (c.24)

^{F12}17

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Textual Amendments

F12 Sch. 5 para. 17 repealed (25.8.1996) by 1996 c. 22, ss. 62(1), 63(7), Sch. 7 Pt. I

PART II

ORDERS IN COUNCIL UNDER THE NORTHERN IRELAND ACT 1974

The Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I.6))

18 (1) In Article 2(3) of the Companies (Northern Ireland) Order 1986 (interpretation), for the definition of “the Insider Dealing Order” there shall be substituted—

““the insider dealing legislation” means Part V of the Criminal Justice Act 1993 (insider dealing)”;

(2) In the 1986 Order, for “Insider Dealing Order”, wherever it occurs, there shall be substituted “insider dealing legislation”.

19 (1) In Article 442 of that Order (provision for security of information obtained), in paragraph (1), in sub-paragraph (c) for “Article 16A of the Insider Dealing Order or section 94” there shall be substituted “section 94 or 177”.

(2) In paragraph (3) of that Article, in sub-paragraph (b) for “Article 16A of the Insider Dealing Order or section 94” there shall be substituted “section 94 or 177”.

20 In paragraph (3) of Article 444A of that Order (disclosure of information by Department or inspector) in sub-paragraph (a) for “Article 16A of the Insider Dealing Order or section 94” there shall be substituted “section 94 or 177”.

The Companies (Northern Ireland) Order 1989 (S.I. 1989/2404 (N.I.18))

21 In Article 3(1) of the Companies (Northern Ireland) Order 1989 (interpretation), in the definition of “the companies legislation”, for “the Insider Dealing Order” there shall be substituted “Part V of the Criminal Justice Act 1993 (insider dealing)”.

The Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))

22 In Article 104A(1)(c) of the Insolvency (Northern Ireland) Order 1989 (petition for winding-up on grounds of public interest) after “94” there shall be inserted “or 177”.

SCHEDULE 6

Section 79(14).

REPEALS AND REVOCATIONS

Commencement Information

I2 Sch. 6 partly in force; Sch. 6 in force at Royal Assent in so far as relating to specified provisions see s. 78(2); Sch. 6 in force at 20.9.1993 in relation to further specified provisions by S.I. 1993/1968 art. 2(2),

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Sch. 2, Appendix; [Sch. 6](#) in force at 15.2.1994 for further specified provisions by [S.I. 1994/71](#), arts. 2, 3, [Sch.](#), Appendix; [Sch. 6](#) in force at 1.3.1994 for further specified provisions by [S.I. 1994/242](#), arts. 2, 3, [Sch.](#), Appendix, [Sch. 6](#) in force at 3.2.1995 for further specified provisions by [S.I. 1995/43](#), art. 2, [Sch.](#)

PART I

REPEALS

Chapter	Short title	Extent of repeal
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In section 442B, the words “against sentence alone”.
1980 c. 43.	The Magistrates Courts Act 1980.	In section 12(1)(a) the words “and section 18 of the Criminal Justice Act 1991 (unit fines)”.
1985 c. 8.	The Company Securities (Insider Dealing) Act 1985.	The whole Act.
1986 c. 32.	The Drug Trafficking Offences Act 1986.	In section 1, in subsection (5) (b)(iii), the words from “section 39” to “bankruptcy orders” and subsection (8). In section 5(3), the words “sections 3 and 4 of”. In section 26A(3), the words from “or by” to the end. In section 27(5), the words “or, as the case may be, the sheriff”. In section 38(2), the entries relating to a confiscation order and a defendant.
1986 c. 60.	The Financial Services Act 1986.	Sections 173 to 176. In section 189(1)(b), the words “(including insider dealing)”. In Schedule 16, paragraphs 28 and 43.
1987 c. 22.	The Banking Act 1987.	In section 84(1), in the Table, in the entry beginning “An inspector appointed under Part XV of the Companies (Northern Ireland) Order” in the left-hand column the words “or under Article 16A of the Company Securities (Insider Dealing) (Northern Ireland) Order 1986” and in the right hand column the words “or that Article”.

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1987 c. 38.	The Criminal Justice Act 1987.	In section 3(6)(i), the words “or any corresponding enactment having effect in Northern Ireland”.
1988 c. 33.	The Criminal Justice Act 1988.	Section 48.Section 98.
1989 c. 4.	The Prevention of Terrorism (Temporary Provisions) Act 1989.	In section 9(1), the word “or” immediately before paragraph (b).
1989 c. 40.	The Companies Act 1989.	Section 209.
1990 c. 5.	The Criminal Justice (International Co-operation) Act 1990.	Section 14(3) and (5).
1991 c. 24.	The Northern Ireland (Emergency Provisions) Act 1991.	In section 48(3), the words “during the period of postponement”.In section 50(2), the word “or” immediately before paragraph (c).Section 51(3).Section 67(6).
1991 c. 53.	The Criminal Justice Act 1991.	Section 17(3)(e).Section 19.Section 20(5).Section 22.Section 28(3).In section 30(1), the words “or the Lord Chancellor”.In Schedule 4, Part V.In Schedule 11, paragraph 24.
1993 c. 9.	The Prisoners and Criminal Proceedings (Scotland) Act 1993.	In section 10(1), the words “(whether before or after the commencement of this section)”.

PART II

REVOCATIONS

Number	Title	Extent of revocation
S.I. 1986/1034 (N.I. 8).	The Company Securities (Insider Dealing) (Northern Ireland) Order 1986.	The whole Order.
S.I. 1989/2404 (N.I. 18).	The Companies (Northern Ireland) Order 1989.	In Article 2(2), the definition of “the Insider Dealing Order”.In Article 11(1), the words “or Article 16A of the Insider Dealing

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S.I. 1989/2405 (N.I. 19).	The Insolvency (Northern Ireland) Order 1989.	Order”.Articles 27 to 34.Article 35(2) and (3). Article 104A(1)(b).
S.I. 1990/1504 (N.I. 10).	The Companies (No.2) (Northern Ireland) Order 1990.	In Article 2(2), the definition of “the Insider Dealing Order”.Articles 21 to 23.
S.I. 1992/3218.	The Banking Coordination (Second Council Directive) Regulations 1992.	In Schedule 8, paragraphs 8(3), 9(2) and 10(3).In Schedule 10, paragraphs 17 and 25.

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