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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 [^{F1}by the Treasury under any relevant order under section 22 of the Financial Services and Markets Act 2000].

Textual Amendments

F1 Words in [Sch. 1 para. 1\(3\)](#) substituted (1.12.2001) by [S.I. 2001/3649](#), [arts. 1, 341\(2\)](#)

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—
- (a) that he acted—

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- (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.

[^{F2}(2) “Price stabilisation rules” means rules made under section 144(1) of the Financial Services and Markets Act 2000.]

Textual Amendments

F2 Sch. 1 para. 5(2) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 341(3)

SCHEDULE 2

Section 54.

SECURITIES

Shares

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

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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”).

Modifications etc. (not altering text)

- C1** Sch. 2 para. 2 extended (24.6.2003) by The Uncertificated Securities (Amendment) (Eligible Debt Securities) Regulations 2003 (S.I. 2003/1633), reg. 1(1), **Sch. 2 para. 8(2)(f)**

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.

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;

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- (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 ^{M1}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
M1 1991 c. 53.

Statements as to offenders’ financial circumstances

F32

Textual Amendments
F3 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

F43

Textual Amendments
F4 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.

Responsibility of parents and guardians

F55

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Textual Amendments

F5 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 ^{F6}(1)

^{F6}(2)

(3) In section 97 of the ^{M2}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 ^{M3}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 ^{M4}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.”

^{F6}(6)

^{F6}(7)

Textual Amendments

F6 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

M2 1980 c. 43.

M3 1981 c. 49.

M4 1991 c. 53.

SCHEDULE 4

Section 77.

EXTENSIONS AND EXEMPTIONS

The Drug Trafficking Offences Act 1986 (c.32)

^{F71}

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Textual Amendments

F7 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)

F83

Textual Amendments

F8 Sch. 4 para. 3 repealed (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 12**; S.I. 2003/120, art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)

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

F94

Textual Amendments

F9 Sch. 4 para. 4 repealed (19.2.2001) by 2000 c. 11, s. 125(2), **Sch. 16 Pt. I**; S.I. 2001/421, **art. 2**

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

- [**F105** 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).]

Textual Amendments

F10 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)

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F11⁶

Textual Amendments

F11 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 ^{M5}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 ^{M6}Drug Trafficking Offences Act 1986 other than one made by the High Court;
- (e) a confiscation order under Part VI of the ^{M7}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
- (h) a declaration of relevance under the ^{M8}Football Spectators Act 1989.”.

Marginal Citations

M5 1983 c. 20.

M6 1986 c. 32.

M7 1988 c. 33.

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M8 1989 c. 37.

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

F12₂

Textual Amendments

F12 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)

F13₃

Textual Amendments

F13 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)

F14₅

Textual Amendments

F14 Sch. 5 para. 5 repealed (3.2.1995) by 1994 c. 37, ss. 67, 69(2), Sch. 3

F15₆

Textual Amendments

F15 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)

F16₇

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Textual Amendments

F16 Sch. 5 paras. 7-13 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 342(a)

F17₈

Textual Amendments

F17 Sch. 5 paras. 7-13 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 342(a)

F18₉

Textual Amendments

F18 Sch. 5 paras. 7-13 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 342(a)

F19₁₀

Textual Amendments

F19 Sch. 5 paras. 7-13 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 342(a)

F20₁₁

Textual Amendments

F20 Sch. 5 paras. 7-13 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 342(a)

F21₁₂

Textual Amendments

F21 Sch. 5 paras. 7-13 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 342(a)

The Banking Act 1987 (c.22)

F22₁₃

Textual Amendments

F22 Sch. 5 paras. 7-13 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 342(a)

The Criminal Justice Act 1988 (c.33)

F23₁₄

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Textual Amendments

- F23** Sch. 5 para. 14 repealed (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 12; S.I. 2003/120, art. 2, Sch.](#) (with [arts. 3, 4](#)) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#))

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

F24¹⁵

Textual Amendments

- F24** Sch. 5 para. 15 repealed (19.2.2001) by [2000 c. 11, s. 125\(2\), Sch. 16 Pt. I; S.I. 2001/421, art. 2](#)

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)

F25¹⁷

Textual Amendments

- F25** 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 ”.

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- 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

- II** [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), [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

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		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.
F26	F26	F26
...
F26	F26	F26
...
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)”.

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Textual Amendments

F26 Sch. 6 Pt. I: Entries in the Table repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 342(b)

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 Order”. Articles 27 to 34. Article 35(2) and (3).
S.I. 1989/2405 (N.I. 19).	The Insolvency (Northern Ireland) Order 1989.	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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