
STATUTORY INSTRUMENTS

2001 No. 3640

**The Financial Services and Markets Act 2000
(Savings, Modifications and Consequential Provisions)
(Rehabilitation of Offenders) (Scotland) Order 2001**

Section 189 of the Financial Services Act 1986

3.—(1) Notwithstanding any repeal of section 189 of the Financial Services Act 1986⁽¹⁾ (restriction of Rehabilitation of Offenders Act 1974), that section continues to have effect in Scotland but with the following modifications.

(2) In subsection (4)(b), omit the words “or 4”.

(3) For subsection (6), substitute—

“(6) In this section and that Schedule—

“the 2000 Act” means the Financial Services and Markets Act 2000;

“associate”, in relation to any person (“A”), means—

- (a) where A is a body corporate, a director, manager or controller of A;
- (b) where A is a partnership, a partner or manager of A;
- (c) where A is a registered friendly society, a trustee, manager or member of the committee of the society;
- (d) where A is an unincorporated association, a member of its governing body or an officer, manager or controller of A;
- (e) where A is an individual, a manager of A;

“authorised unit trust scheme”, “collective investment scheme”, “operator”, “recognised scheme” and “trustee” have the meanings given by Part XVII of the 2000 Act.

(6A) In subsection (6), “director”, “manager” and “controller” have the meanings given by the 2000 Act.”.

(1) 1986 c. 60. Amended by the Friendly Societies Act 1992 (c. 40), Schedule 22, and amended and repealed in part by the Criminal Justice Act 1993 (c. 36) Schedule 5, paragraphs 7 and 11 and Schedule 6.