
STATUTORY INSTRUMENTS

2001 No. 3649

The Financial Services and Markets Act 2000
(Consequential Amendments and Repeals) Order 2001

PART 3

ENACTMENTS RELATING TO PENSIONS

Judicial Pensions and Retirement Act 1993 (c. 8)

Voluntary contributions by persons to whom Part 1 of the Act applies

112.—(1) Section 10 of the Judicial Pensions and Retirement Act 1993 is amended as follows.

(2) In subsection (4)(d), for sub-paragraph (iii) substitute—

“(iii) the general value of benefits available to a person under any contract of life insurance entered into by him with an insurer;”.

(3) In subsection (8)—

(a) for the definition of “authorised provider” substitute—

““authorised provider”, in relation to the investment of any sums paid by way of voluntary contributions or the provision of any benefit, means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to invest such sums or, as the case may be, to provide that benefit;
- (b) an EEA firm of a kind mentioned in paragraph 5(a), (b) or (c) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to invest such sums or, as the case may be, to provide that benefit and which satisfies the conditions applicable to it which are specified in subsection (8B), (8C) or (8D); or
- (c) an EEA firm of a kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to invest such sums or, as the case may be, to provide that benefit.”; and

(b) after the definition of “employment” insert—

““insurer” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of long-term insurance;
- (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of long-term insurance;”.

(4) After subsection (8) insert—

“(8A) In subsection (8), the definitions of “authorised provider” and “insurer” must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.

(8B) If the EEA firm concerned is of the kind mentioned in paragraph 5(a) of Schedule 3 to the Financial Services and Markets Act 2000, the conditions are—

- (a) that, in investing of the sums in question, or in providing the benefit in question, the firm is carrying on a service falling within section A or C of the Annex to the Investment Services Directive; and
- (b) that the firm is authorised by its home state authorisation to carry on that service.

(8C) If the EEA firm concerned is of the kind mentioned in paragraph 5(b) of that Schedule, the conditions are—

- (a) that, in investing of the sums in question, or in providing the benefit in question, the firm is carrying on an activity falling within Annex 1 to the Banking Consolidation Directive; and
- (b) that the activity in question is one in relation to which an authority in the firm’s home State has regulatory functions.

(8D) If the EEA firm concerned is of the kind mentioned in paragraph 5(c) of that Schedule, the conditions are—

- (a) that, in investing of the sums in question, or in providing the benefit in question, the firm is carrying on an activity falling within Annex 1 to the Banking Consolidation Directive;
- (b) that the activity in question is one in relation to which an authority in the firm’s home State has regulatory functions; and
- (c) that the firm also carries on the activity in question in its home State.

(8E) Expressions used in subsections (8B) to (8D) which are also used in Schedule 3 to the Financial Services and Markets Act 2000 have the same meaning in those subsections as they have in that Schedule.”.

Retirement date for holders of judicial offices etc: repeal of references to old tribunals

113. In section 26(8) of the Judicial Pensions and Retirement Act 1993 (retirement date for members of certain tribunals), paragraphs (e), (f) and (j) are repealed.

Judicial pensions: transfer of accrued benefits

114.—(1) Schedule 2 to the Judicial Pensions and Retirement Act 1993 (transfer of accrued benefits) is amended as follows.

(2) In paragraph 1, the existing provision becomes sub-paragraph (1).

(3) In that sub-paragraph, for the definition of “authorised insurance company” substitute—

““authorised insurer” means—

- (i) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of long-term insurance, or

- (ii) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of long-term insurance;”.
- (4) After that sub-paragraph, insert—
 - “(2) The definition of “authorised insurer” in sub-paragraph (1) must be read with—
 - (a) section 22 of the Financial Services and Markets Act 2000;
 - (b) any relevant order under that section;
 - (c) Schedule 2 to that Act.”.
- (5) In paragraph 6(2)(c), for “insurance companies” substitute “insurers”.
- (6) In paragraph 11(3), in paragraph (a) of the definition of “qualifying scheme” for “insurance company” substitute “insurer”.

Repeal of spent amendments

115. The following provisions of Schedule 6 to the Judicial Pensions and Retirement Act 1993 (which are amendments to other legislation that are spent as a result of the coming into force of the Financial Services and Markets Act 2000) are repealed—

- (a) paragraph 41;
- (b) paragraph 64;
- (c) paragraph 65; and
- (d) paragraph 68.