
STATUTORY INSTRUMENTS

2002 No. 1555

**The Financial Services and Markets Act 2000
(Consequential Amendments) Order 2002**

SECONDARY LEGISLATION

The Personal Pension Schemes (Disclosure of Information) Regulations 1987(S.I.1987/1110)

Availability of information to scheme members

32.—(1) The Personal Pension Schemes (Disclosure of Information) Regulations 1987 are amended as follows.

(2) In paragraph (5) of regulation 6 (availability of other information)(1), for “Part 10 (reports) of the Financial Services (Regulated Schemes) Regulations 1991 issued by the Securities and Investments Board” substitute “Chapter 10 (reports and accounts) of the Collective Investment Schemes Sourcebook made by the Financial Services Authority under Part X of the Financial Services and Markets Act 2000”.

(3) In paragraph 4 of Schedule 3 (other information)(2), for “by Schedule 3 to the Financial Services (Regulated Schemes) Regulations 1991 issued by the Securities and Investments Board” substitute “by section 10.3 (contents of annual and half-yearly reports) of the Collective Investment Schemes Sourcebook made by the Financial Services Authority under Part X of the Financial Services and Markets Act 2000”.

The Personal Pension Schemes (Compensation) Regulations 1988 (S.I. 1988/2238)

Appropriate schemes

33.—(1) The Personal Pension Schemes (Compensation) Regulations 1988 are amended as follows.

(2) In regulation 2 (application of regulations)—

- (a) in paragraph (a)(3) for “regulation 2(1)(a)” substitute “regulation 2(2)(a)”; and
- (b) in paragraph (d)(4) for “regulation 2(1)(c)” substitute “regulation 2(2)(c)”.

(3) In regulation 3 (requirements to be complied with by liable schemes in event of insolvency), in paragraph (1) and paragraph (3)(5) for “regulation 2(1)” (in each place it appears) substitute “regulation 2(2)”.

(1) Paragraph (5) was inserted by S.I. 1992/1531, regulation 21.

(2) Paragraph 4 was inserted by S.I. 1992/1531; regulation 24.

(3) Paragraph (a) was substituted by S.I. 2001/3649, article 394(1).

(4) Paragraph (d) was substituted by S.I. 2001/3649, article 394(4).

(5) Paragraphs (1) and (3) were substituted by S.I. 2001/3649, article 395(4).

The Banks (Administration Proceedings) Order 1989 (S.I. 1989/1276)

Application of Part II of the Insolvency Act 1986 to former authorised institutions

34.—(1) The Banks (Administration Proceedings) Order 1989 is amended as follows.

(2) In article 2 (application of provisions in the Insolvency Act 1986 with modifications in relation to companies which are former authorised institutions)(6) the words “authorised institutions and” and “within the meaning of the Banking Act 1987” are revoked.

(3) In paragraph 2 of the Schedule(7), for “section 8(4)” substitute “section 8(5)”.

The Money Laundering Regulations 1993 (S.I. 1993/1933)

Record-keeping procedures: appointed representatives

35. In regulation 13(4) of the Money Laundering Regulations 1993 (record-keeping procedures: supplementary provisions)(8), omit “which is investment business carried on by him”.

The Insolvent Partnerships Order 1994 (S.I. 1994/2421)

Application of Part II of the Insolvency Act 1986 to partnerships which are former authorised institutions

36. In paragraph 2 of Schedule 2 to the Insolvent Partnerships Order 1994 (modified provisions of Part II of the Insolvency Act), in paragraph (b) of the text of section 8(5) of the Insolvency Act 1986 (as modified by that paragraph)(9), after “the Banking Act 1987” insert “, but is not an authorised deposit taker, within the meaning given by subsection (1B)”.

*The Personal and Occupational Pension Schemes
(Pensions Ombudsman) Regulations 1996 (S.I. 1996/2475)*

Exclusions from jurisdiction of Pensions Ombudsman

37. In paragraph (1) of regulation 4 of the Personal and Occupational Pension Schemes (Pensions Ombudsman) Regulations 1996 (exclusions from jurisdiction)(10), after “which can be” insert “(and is in fact)”.

The Public Interest Disclosure (Prescribed Persons) Order 1999 (S. I. 1999/1549)

Prescribed persons

38.—(1) The Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999 is amended as follows.

(2) The entries relating to the following persons are revoked—

The Building Societies Commission;

(6) The sub-heading to article 2 was amended by S.I. 2001/3649, article 398(4).

(7) Amendments to the Schedule which are not relevant to this amendment were made by S.I. 1998/1129, article 2, Schedule 1 paragraph 9 and S.I. 2001/3649, article 398(5), (6).

(8) Paragraph (4) of regulation 13 was amended by S.I. 2001/3649, article 44(1).

(9) Subsection (5) of the modified text of section 8 of the Insolvency Act 1986 was substituted by S.I. 2001/3649, article 468(3).

(10) Paragraph (1) was substituted by S.I. 2001/3649, article 539.

The Chief Registrar of Friendly Societies;
The Assistant Registrar of Friendly Societies for Scotland;
The Friendly Societies Commission;
The Investment Management Regulatory Organisation;
The Personal Investment Authority; and
The Securities and Futures Authority.

(3) In the first column of the entry relating to the competent authority under Part IV of the Financial Services Act 1986, for “Part IV of the Financial Services Act 1986” substitute “Part VI of the Financial Services and Markets Act 2000”.

(4) In the second column of the entry relating to the Financial Services Authority—

- (a) after “the operation of banks” insert “ and building societies”;
- (b) after “wholesale money market regimes;” insert “the operation of friendly societies, benevolent societies, working men’s clubs, specially authorised societies, and industrial and provident societies;” and
- (c) omit “the functioning of other financial regulators;”.

The Financial Markets and Insolvency (Settlement Finality) Regulations 1999 (S.I. 1999/2979)

Designated systems

39.—(1) The Financial Markets and Insolvency (Settlement Finality) Regulations 1999 are amended as follows.

(2) In paragraph (1) of regulation 2 (interpretation)—

(a) for the definition of “the 1986 Act” substitute—

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

(b) in sub-paragraph (a)(i) of the definition of “designating authority” for “the 1986 Act” substitute “the 2000 Act”.

(3) In paragraph (1) of regulation 6 (certain bodies deemed to satisfy the requirements for designation) for “the 1986 Act” substitute “the 2000 Act”.

(4) In paragraph (2) of regulation 7 (revocation of designation)—

(a) for “Subsections (2) to (9) of section 11 of the 1986 Act” substitute “Subsections (1) to (7) of section 298 of the 2000 Act”;

(b) for “under subsection (1) of that section” substitute “section 297(2) of that Act”; and

(c) for sub-paragraphs (a) and (b) substitute—

“(a) any reference to a recognised body shall be taken to be a reference to a designated system;

(b) any reference to members of a recognised body shall be taken to be a reference to participants in a designated system;

(c) references to the Authority shall, in cases where the Bank of England is the designating authority, be taken to be a reference to the Bank of England; and

(d) subsection (4)(a) shall have effect as if for “two months” there were substituted “three months”.”.

(5) In regulation 7, after paragraph (2) insert—

“(3) An order revoking a designation order—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) shall state the date on which it takes effect, being no earlier than three months after the day on which the revocation order is made; and
- (b) may contain such transitional provisions as the designating authority thinks necessary or expedient.

(4) A designation order may be revoked at the request or with the consent of the designated system, and any such revocation shall not be subject to the restriction imposed by paragraph (3)(a), or to the requirements imposed by subsections (1) to (6) of section 298 of the 2000 Act.”.

(6) In paragraph (5) of regulation 10 (provision of information by designated systems), for “section 41 of the 1986 Act” substitute “section 293 of the 2000 Act”.

The Stakeholder Pension Schemes Regulations 2000 (S.I. 2000/1403)

Meaning of “securities” and references to “insurers”

40.—(1) The Stakeholder Pension Schemes Regulations 2000 are amended as follows.

(2) In paragraph (3) of regulation 1 (citation, commencement and interpretation)—

- (a) in the definition of “securities”(11) for “unit trust” substitute “investment trust”; and
- (b) in the definition of “with-profits fund”, for “insurance company” (in both places) substitute “insurer”.

(3) In paragraphs (4) and (5) of regulation 15 (requirement for trustees or manager to satisfy certain conditions in relation to with-profits fund), for “insurance company” (in each place it appears) substitute “insurer”.

The Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000 (S.I. 2000/2417)

Revocation of unnecessary provision

41. In the Schedule to the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000, in Part I (prescriptions for public authorities which are relevant public authorities for the purposes of sections 28 and 29 of the Regulation of Investigatory Powers Act 2000) the entry relating to the Personal Investment Authority is revoked.

The Regulation of Investigatory Powers (Authorisations Extending to Scotland) Order 2000 (S.I. 2000/2418)

Revocation of unnecessary provision

42. In the Schedule to the Regulation of Investigatory Powers (Authorisations Extending to Scotland) Order 2000, the entry relating to the Personal Investment Authority is revoked.

(11) The definition of “securities” was substituted by S.I. 2001/3649, article 595(1).

The Terrorism Act 2000 (Crown Servants and Regulators) Regulations 2001 (S.I. 2001/192)

Revocation of references to persons no longer performing regulatory functions

43. The amendments made to regulation 4 of the Terrorism Act 2000 (Crown Servants and Regulators) Regulations 2001 (disapplication of section 19 in relation to persons performing functions of a public nature) by article 603 of the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001(12) are treated as if they had not been made, and instead regulation 4 is amended as follows—

- (a) paragraphs (c), (d), (e), (g), (h), (j), (k), (l) and (m) are revoked, and
- (b) for paragraph (f) substitute—
 - “(f) a designated professional body within the meaning of section 326(2) of the Financial Services and Markets Act 2000;”.

The Transport Act 2000 (Civil Aviation Authority Pension Scheme) Order 2001(S.I. 2001/853)

Meaning of “investments”

44. In Schedule 1 to the Transport Act 2000 (Civil Aviation Authority Pension Scheme) Order 2001 (the new provisions), in paragraph 14.1 for “within the meaning of the Financial Services Act 1986” substitute “within the meaning of section 22 of the Financial Services and Markets Act 2000 and any relevant order made under that section”.

The Partnerships (Unrestricted Size) No 16 Regulations 2001 (S.I. 2001/1389)

Partnerships authorised to carry on investment business

45.—(1) The Partnerships (Unrestricted Size) No 16 Regulations 2001 are amended as follows.

(2) In paragraph (1) of regulation 2, for the words from “which is—” to the end of the paragraph substitute

- “which—
- (a) has permission under Part 4 of the Financial Services and Markets Act 2000 to carry on that business,
 - (b) in an EEA firm of the kind mentioned in paragraph 5(a) 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 carry on that business,
 - (c) is an authorised person by virtue of paragraph 1 of Schedule 5 to that Act, and has permission under paragraph 2 of that Schedule to carry on investment business of a kind mentioned in that paragraph (activities in connection with a recognised collective investment scheme), or
 - (d) is a Treaty firm which has permission under paragraph 4 of Schedule 4 to that Act (as a result of qualifying for authorisation under paragraph 3 of that Schedule) to carry on that business.”.

(3) Omit paragraph (2) of regulation 2.

(4) After regulation 2 insert—

“3.—(1) For the purposes of regulation 2, “investment business” means the business which consists of carrying on one or more of the following regulated activities—

- (a) dealing in investments as principal or as agent;
 - (b) arranging deals in investments;
 - (c) managing investments;
 - (d) safeguarding and administering investments;
 - (e) sending dematerialised instructions;
 - (f) establishing (and taking other steps in relation to) collective investment schemes;
 - (g) advising on investments;
 - (h) entering as a provider into a funeral plan contract;
 - (i) entering into a regulated mortgage contract as a lender;
 - (j) administering a regulated mortgage contract.
- (2) Paragraph (1) 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.”.

The Railway Administration Order Rules 2001 (S.I. 2001/3352)

Meaning of “authorised deposit taker” and “former authorised institution”

46.—(1) Rule 2.8 of the Railway Administration Order Rules 2001 (manner in which service of the petition is to be effected) is amended as follows.

(2) For paragraph (5)(a) substitute—

“(a) is an authorised deposit taker or a former authorised institution.”.

(3) After paragraph (6) insert—

“(6A) For the purposes of paragraph (5)—

- (a) “authorised deposit taker” means a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to accept deposits; and
- (b) “former authorised institution” means an institution which continues to have a liability in respect of a deposit which was held by it in accordance with the Banking Act 1979 or the Banking Act 1987, but is not an authorised deposit taker.

(6B) References in paragraph (6A) to deposits and their acceptance 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.”.

The Terrorism (United Nations Measures) (Isle of Man) Order 2001 (S.I. 2001/3364)

Construction of the 2001 Order: “relevant institution”

47.—(1) Article 2 of the Terrorism (United Nations Measures) (Isle of Man) Order 2001 (interpretation: general)(13) is amended as follows.

(2) The existing text is numbered paragraph (1).

(3) In paragraph (1), in the definition of “relevant institution” for paragraph (d) substitute—

“(d) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to the Financial Services and Markets Act 2000, which has lawfully established a branch in the Isle of Man for the purpose of accepting deposits or other repayable funds from the public;”.

(4) After paragraph (1) insert—

“(2) For the purpose of paragraph (d) of the definition of “relevant institution” in paragraph (1), the activity of accepting deposits has the meaning given in any relevant order under section 22 of the Financial Services and Markets Act 2000.”.

The Financial Services and Markets Act 2000 (Consequential Amendments and Savings) (Industrial Assurance) Order 2001 (S.I. 2001/3647)

Offences under the Industrial Assurance Acts: application in relation to Guernsey and Jersey

48.—(1) Schedule 1 to the Financial Services and Markets Act 2000 (Consequential Amendments and Savings) (Industrial Assurance) Order 2001 is amended as follows.

(2) In paragraph 31, for “paragraphs 20 and 25” substitute “paragraphs 20, 24 and 25”.

(3) Paragraph 34 is revoked, and in its place insert—

“34. In relation to the Channel Islands, section 39 of the 1923 Act (offences) has effect with the substitution for subsection (1) of the following—

(1) Any collecting society or industrial assurance company which contravenes or fails to comply with any of the provisions of this Act shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.”.

After paragraph 36 insert—

“36A. In relation to the Channel Islands, section 16 of the 1948 Act (offences)(14) has effect with the substitution for subsection (2) of the following—

(2) Any collecting society or industrial assurance company which contravenes or fails to comply with any of the provisions of this Act, or of regulations made for the purposes of section 8 of this Act, shall be guilty of an offence under the Industrial Assurance Act 1923.”.

(13) Article 2 is amended (in a way not relevant to this article) by S.I. 2002/259.

(14) Section 16(2) was repealed in so far as it related to industrial assurance companies by the Companies Act 1969 (c. 81), section 130(4)(d), Schedule 8, Part IV. Section 89(1)(a) of that Act made equivalent provision in relation to industrial assurance companies. That Act was repealed by S.I. 2001/3647, Schedule 3, paragraph 8, and this amendment is consequential upon that repeal.