

## SCHEDULE

### Application and modification of legislation

## PART 1

### Application and modification of the 2000 Act

#### Information gathering and investigations

2. Part 11 of the 2000 Act (information gathering and investigations) applies with the following modifications—

- (a) in section 165 (Authority’s power to require information)—
  - (i) for references to “an authorised person” substitute “a payment service provider”;
  - (ii) in subsection (4), for “this Act” substitute “the Cross-Border Payments in Euro Regulations 2010”; and
  - (iii) in subsection (7) omit paragraphs (b) and (c);
- (b) in subsection (2)(a) of section 166 (reports by skilled persons), for “an authorised person” substitute “a payment service provider”;
- (c) omit section 167(1) (appointment of persons to carry out general investigations);
- (d) in section 168(2) (appointment of persons to carry out investigations in particular cases)—
  - (i) in subsection (1)—
    - (aa) for paragraph (a) substitute—
      - “(a) a payment service provider may have contravened any requirement imposed by Regulation (EC) No. 924/2009 of the European Parliament and of the Council on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001;”;
    - (bb) in paragraph (b) omit from “191” to the end;
  - (ii) omit subsections (2), (4) and (5); and
  - (iii) in subsection (6) omit “or the Secretary of State”;
- (e) omit section 169 (investigations etc in support of overseas regulator);
- (f) in section 170 (investigations: general)—
  - (i) in subsection (1) for “section 167 or 168(3) or (5)” substitute “section 168(3)”;
  - (ii) in subsection (3)(a) omit “or (4)”;
  - (iii) omit subsection (3)(b); and
  - (iv) for subsection (10) substitute—
    - “(10) “Investigating authority”, in relation to an investigator, means the Authority.”;
- (g) omit section 171(3) (powers of persons appointed under section 167);
- (h) in the heading and subsection (4) of section 172 (additional power of persons appointed as a result of section 168(1) or (4)), omit “or (4)”;

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(1) Amended by [S.I. 2007/126](#).

(2) Amended by [S.I. 2007/126](#).

(3) Amended by [S.I. 2007/126](#).

**Status:** This is the original version (as it was originally made).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

- (i) omit section 173 (powers of persons appointed as a result of section 168(2));
- (j) in section 174 (admissibility of statements made to investigators)—
  - (i) in subsection (2) omit “or in proceedings in relation to action to be taken against that person under section 123”;
  - (ii) in subsection (3)(a) omit “or 398”;
  - (iii) in subsection (4), for “section 167 or 168(3) or (5)” substitute “section 168(3)”;
  - (iv) in subsection (5) for “section 171, 172, 173 or 175” substitute “section 172 or 175”;
- (k) in subsection (8) of section 175 (information and documents: supplemental provisions) for “section 167 or 168(3) or (5)” substitute “section 168(3)”;
- (l) in section 176(4)(entry of premises under warrant)—
  - (i) in subsection (1)—
    - (aa) omit “the Secretary of State.”; and
    - (bb) for “the first, second or third” substitute “the first or second”;
  - (ii) in subsection (3)(a) for “an authorised person or an appointed representative” substitute “a payment service provider”;
  - (iii) omit subsection (4);
  - (iv) in subsection (10) for “section 167 or 168(3) or (5)” substitute “section 168(3)”;
  - (v) in subsection (11)(a) omit “87C, 87J.”;
  - (vi) in subsection (11)(b) for “section 171, 172, 173 or 175” substitute “section 172 or 175”; and
- (m) in subsection (5)(a) of section 177(5) (offences), for “six months” substitute “three months”.

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(4) Amended by [S.I.2005/1433](#).

(5) Amended by [S.I. 2001/1090](#) and the Criminal Justice Act 2003, s280(2), Schedule 26, paragraph 54 from a day to be appointed.