

## SCHEDULE 2

### Amendments of subordinate legislation

#### **The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013**

**250.**—(1) The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013<sup>(1)</sup> is amended as follows.

(2) In article 2(1)—

(a) omit the definition of “the competent authority for listing”;

(b) at the appropriate place in each case insert —

““the FCA” means the Financial Conduct Authority;

“the PRA” means the Prudential Regulation Authority;”;

(c) for the definition of “key worker” substitute—

““key worker” means—

(a) any individual who is likely, in the course of exercising the duties of that individual’s office or employment, to play a significant role in the decision making process of the FCA, the PRA or the Bank of England in relation to the exercise of its public functions (within the meaning of section 349(5) of the 2000 Act<sup>(2)</sup>); or

(b) any individual who is likely, in the course of exercising the duties of that individual’s office or employment, to support directly an individual mentioned in paragraph (a);”;

(d) For the definition of “Part IV permission” substitute—

““Part 4A permission” has the meaning given by section 55A(5) of the 2000 Act<sup>(3)</sup>.”.

(3) In Schedule 2, in Part 1—

(a) in paragraph 1—

(i) for “Any decision by the Financial Services Authority” substitute “Any decision by the FCA, the PRA or the Bank of England”;

(ii) in sub-paragraph (a) for “Part IV permission” substitute “Part 4A permission”;

(iii) in sub-paragraph (b) for “section 43” substitute “section 55L, 55M or 55O<sup>(4)</sup>”;

(iv) in sub-paragraph (d) omit “the Financial Services Authority’s”;

(v) in sub-paragraph (j) after “section 296” insert “or 296A<sup>(5)</sup>”;

(vi) in sub-paragraph (l) for “the Financial Services Authority” substitute “the FCA or the PRA”;

(vii) at the end of sub-paragraph (o) omit “or”;

(viii) after sub-paragraph (p) insert—

“(q) in a case requiring any decision referred to in paragraphs (a) to (p), where the FCA, the PRA or the Bank of England has the function of

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(1) [S.S.I. 2013/50](#).

(2) Section 349(5) was amended by [S.I. 2011/1043](#).

(3) Part 4A of FSMA 2000, including section 55A, was substituted by section 11(2) of the Financial Services Act 2012 (c. 12).

(4) Section 43 was repealed and sections 55L, 55M and 55O were added by section 11 of the Financial Services Act 2012.

(5) Section 296A was inserted by section 31 of the Financial Services Act 2012.

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deciding whether to give consent or conditional consent in relation to the decision which is proposed in that case, to give or refuse to give consent or to give conditional consent, or

(r) in a case requiring any decision referred to in paragraphs (a) to (p), where the FCA, the PRA or the Bank of England has the power under the 2000 Act to direct another regulator as to the decision to be taken in that case, to decide whether to give a direction and, if a direction is to be given, what direction to give,”;

(b) in paragraph 3—

(i) for “Any decision of the competent authority for listing” substitute “Any decision of the FCA”;

(ii) at the end of sub-paragraph (b) omit “or”;

(iii) in sub-paragraph (c) for “the competent authority for listing,” substitute “the FCA in relation to the exercise of its functions under Part 6 of the 2000 Act, or”;

(iv) after sub-paragraph (c) insert—

“(d) to refuse to grant a person’s application under information provider rules (within the meaning of section 89P(9) of the 2000 Act) for approval as a Primary information provider, to impose limitations or other restrictions on the giving of information to which such an approval relates or to cancel such an approval,”;

(c) in paragraph 4 for “the Financial Services Authority” substitute “the FCA or the PRA”;

(d) in paragraph 6(a) and (b) for “Part IV permission” substitute “Part 4A permission”.

(4) In Schedule 2, in Part 2, for the table substitute—

<i>“Column 1</i>	<i>Column 2</i>
<i>(Status)</i>	<i>(Questioner)</i>
1 A person with Part 4A permission.	The FCA, the PRA or the Bank of England.
2 (1) A person in relation to whom an approval is given under section 59 of the 2000 Act(6) (approval for particular arrangements).	The FCA, the PRA or the authorised person (within the meaning of section 31(2) of the 2000 Act(7)) or the applicant for Part 4A permission who made the application for the approval of the appropriate regulator (within the meaning of section 59(4) of the 2000 Act) under section 59 of the 2000 Act in relation to the person mentioned in sub-paragraph (1) of the first column.
(2) An associate of the person (whether or not an individual) mentioned in sub-paragraph (1).	
3 (1) The manager or trustee of an authorised unit trust scheme (within the meaning of section 237 of the 2000 Act(8)).	The FCA or the unit trust scheme mentioned in the first column.
(2) An associate of the person (whether or not an individual) mentioned in sub-paragraph (1).	

(7) Section 31 was amended by section 11 of the Financial Services Act 2012.

(6) Section 59 was amended by section 14 of the Financial Services Act 2012.

(8) Section 237 was amended by S.I. 2011/1613 and by paragraph 9 of Schedule 18 to the Financial Services Act 2012.

<i>“Column 1</i>	<i>Column 2</i>	
<i>(Status)</i>	<i>(Questioner)</i>	
4	(1) A director of an open-ended investment company.	The FCA, the PRA or the open-ended investment company mentioned in the first column.
	(2) An associate of that person (whether or not an individual) mentioned in sub-paragraph (1).	
5.	An associate of the operator or trustee of a relevant collective investment scheme.	The FCA, the PRA or the collective investment scheme mentioned in the first column.
6.	An associate of a UK recognised investment exchange or UK recognised clearing house.	The FCA, the PRA, the Bank of England or the investment exchange or clearing house mentioned in the first column.
7.	A controller of a person with Part 4A permission.	The FCA, the PRA or the person with Part 4A permission mentioned in the first column.
8.	(1) A person who carries on a regulated activity (within the meaning of section 22 of the 2000 Act <sup>(9)</sup> ) but to whom the general prohibition does not apply by virtue of section 327 (exemption from the general prohibition for members of a designated professional body).	(1) The FCA or the PRA.
	(2) An associate of the person (whether or not an individual) mentioned in sub-paragraph (1).	(2) In the case of a person mentioned in sub-paragraph (2) of the first column, the person mentioned in sub-paragraph (1) of that column.
9.	A key worker of the FCA, the PRA or the Bank of England.	The FCA, the PRA or the Bank of England.
10.	An ombudsman (within the meaning of Schedule 17 to the 2000 Act) of the Financial Ombudsman Service.	The scheme operator (within the meaning of section 225 of the 2000 Act) of the Financial Ombudsman Service.
11.	An associate of the issuer of securities which have been admitted to the official list maintained by the FCA for listing under section 74 of the 2000 Act <sup>(10)</sup> .	The FCA.
12.	A sponsor (within the meaning of section 88(2) of the 2000 Act <sup>(11)</sup> ).	The FCA.
13.	(1) A Primary information provider (within the meaning of section 89P of the 2000 Act).	The FCA or the PRA.
	(2) An associate of the person (whether or not an individual) mentioned in sub-paragraph (1).	In the case of a person mentioned in sub-paragraph (2) of the first column, the person mentioned in sub-paragraph (1) of that column.

<sup>(9)</sup> Section 22 was amended by section 7 of the Financial Services Act 2012.

<sup>(10)</sup> Section 74 was amended by S.I. 2005/381 and 2005/1433 and by section 16 of the Financial Services Act 2012.

<sup>(11)</sup> Section 88(2) was amended by section 16(1), (2)(a) and (3)(f) of the Financial Services Act 2012.

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<i>“Column 1</i>	<i>Column 2</i>
<i>(Status)</i>	<i>(Questioner)</i>
14. An associate of a person who has Part 4A permission and who is admitted to Lloyd’s as an underwriting agent (within the meaning of section 2 of Lloyd’s Act 1982).	(1) The Council of Lloyd’s. (2) The person with Part 4A permission specified in the first column (or a person applying for such permission).
15. An associate of the Council of Lloyd’s.	The Council of Lloyd’s.
16. (1) A member of a UK recognised investment exchange or UK recognised clearing house. (2) An associate of the person (whether or not an individual) mentioned in sub-paragraph (1).	(1) The UK recognised investment exchange or UK recognised clearing house specified in the first column. (2) In the case of a person mentioned in sub-paragraph (2) of the first column, the person mentioned in sub-paragraph (1) of that column.
17. A director or a person responsible for the management of the electronic money or payment services business of an electronic money institution.	The FCA.
18. A controller of an electronic money institution.	The FCA.
19. A director or a person responsible for the management of an authorised payment institution or a small payment institution.	The FCA.
20. A person responsible for the management of payment services provided, or to be provided, by an authorised payment institution or a small payment institution.	The FCA.
21. A controller of an authorised payment institution or a small payment institution.	The FCA.”

(5) In Schedule 3, in paragraph 6(1)(a), for “the Financial Services Authority” substitute “the FCA, the PRA, the Bank of England”.