

## SCHEDULE 2

Regulation 12

Minor and consequential amendments to primary and secondary legislation

### The Financial Services and Markets Act 2000

1. In section 391 <sup>M1</sup> of the Act (publication of notices), after subsection (8C) insert—
- “(8D) Where a decision notice, final notice or supervisory notice relates to any decision or action under a provision of this Act in relation to the contravention of a requirement imposed by—
- (a) Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (the “PRIIPs regulation”), or
- (b) any directly applicable regulation made under the PRIIPs regulation,
- this section has effect subject to Article 29 of the PRIIPs regulation (publication of decisions).”.

#### Marginal Citations

- M1** Section 391 was amended by sections 13 and 24 of, and paragraph 28 of Schedule 2 to, the [Financial Services Act 2010 \(c.28\)](#), [section 24](#) of and paragraph 30 of Schedule 9 to the Financial Services Act 2012, section 4 of the [Financial Services \(Banking Reform\) Act 2013 \(c.33\)](#) and [S.I. 2012/916](#), [2013/1388](#), [2013/3115](#), [2014/2879](#), [2015/1755](#), [2016/225](#), [2016/680](#), [2016/715](#) and [2017/701](#).

### The Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999

2. In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999 <sup>M2</sup> (prescribed persons), in the second column of the entry in the table relating to the Financial Conduct Authority, at the end insert “; the conduct of PRIIP manufacturers and persons advising on or selling a PRIIP referred to in regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26th November 2014 on key information documents for packaged retail and insurance-based investment products, for the purposes of that regulation”.

#### Marginal Citations

- M2** S.R. (N.I.) 1999/401 amended by S.R. (N.I.) 2014/48; there are other amending instruments but none is relevant.

### The Financial Services and Markets Act 2000 (Promotion of Collective Investment Schemes) (Exemption) Order 2001

3. After article 30 of the Financial Services and Markets Act 2000 (Promotion of Collective Investment Schemes) (Exemption) Order 2001 <sup>M3</sup> (EEA management companies), insert—

#### “Communications required by the PRIIPs regulation: key information document

- 31.** The scheme promotion restriction does not apply to any communication required by Article 13 of Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products.”.

**Changes to legislation:** There are currently no known outstanding effects for the The Packaged Retail and Insurance-based Investment Products Regulations 2017, SCHEDULE 2. (See end of Document for details)

#### Marginal Citations

**M3** [S.I. 2001/1060](#). Article 30 was inserted by [S.I. 2003/2067](#); there are other amending instruments but none is relevant.

### The Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001

4. In regulation 2 of the Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001 <sup>M4</sup> (interpretation), in the definition of “EEA competent authority”, for “or the SFT regulation” substitute “, the SFT regulation or the PRIIPs regulation ”.

#### Marginal Citations

**M4** [S.I. 2001/2188](#); the definition of “EEA competent authority” in regulation 2 was amended by [S.I. 2003/2066](#), 2006/3413, 2013/504, 2016/680 and 715 and 2017/701.

### The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005

5. After article 20B of the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 <sup>M5</sup> (incoming electronic commerce communications), insert—

#### “Communications required by the PRIIPs regulation: key information document

**20C.** The financial promotion restriction does not apply to any communication required by Article 13 of Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products.”.

#### Marginal Citations

**M5** [S.I. 2005/1529](#). Article 20B was inserted by [S.I. 2011/1613](#); there are other amending instruments but none is relevant.

### The Payment to Treasury of Penalties (Enforcement Costs) Order 2013

6. In article 2(1) of the Payment to Treasury of Penalties (Enforcement Costs) Order 2013 <sup>M6</sup> (enforcement powers), after sub-paragraph (m) insert—

“(n) regulation 6 of the Packaged Retail and Insurance-based Investment Products Regulations 2017.”.

#### Marginal Citations

**M6** [S.I. 2013/418](#). Article 2(1)(m) was inserted by [S.I. 2016/715](#).

### The Financial Services and Markets Act 2000 (Qualifying EU Provisions) Order 2013

7.—(1) The Financial Services and Markets Act 2000 (Qualifying EU Provisions) Order 2013 <sup>M7</sup> is amended as follows.

(2) In article 1(2) (interpretation), after the definition of “EuVECA Regulation” insert—  
““PRIIPs regulation” means Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products;”.

(3) In article 2(2) (qualifying EU provisions: general), after sub-paragraph (j) insert—

“(k) the PRIIPs regulation and any directly applicable regulation made under that Regulation.”.

(4) In article 3 (qualifying EU provisions: disciplinary measures)—

(a) after paragraph (2)(l) insert—

“(m) the PRIIPs regulation and any directly applicable regulation made under that Regulation.”;

(b) after paragraph (3)(j) insert—

“(k) in relation to a contravention of a requirement imposed by the PRIIPs regulation or any directly applicable regulation made under that Regulation, the FCA.”.

(5) In article 5 (qualifying EU provisions: injunctions and restitution)—

(a) after paragraph (2)(l) insert—

“(m) the PRIIPs regulation and any directly applicable regulation made under that Regulation.”;

(b) after paragraph 5(k) insert—

“(l) in relation to a contravention of a requirement imposed by the PRIIPs regulation or any directly applicable regulation made under that Regulation, the FCA.”.

(6) In article 6(2) (qualifying EU provisions: fees), after sub-paragraph (n) insert—

“(o) the PRIIPs regulation and any directly applicable regulation made under that Regulation.”.

#### **Marginal Citations**

**M7** [S.I. 2013/419](#), amended by [S.I. 2013/1773](#), 2014/2879 and 3348, 2015/1882 and 2016/680, 715 and 936.

#### **The Financial Services Act 2012 (Relevant Functions in relation to Complaints Scheme) Order 2014**

**8.** In article 2 of the Financial Services Act 2012 (Relevant Functions in relation to Complaints Scheme) Order 2014 <sup>M8</sup> (relevant functions of the FCA), after paragraph (f) insert—

“(g) its functions under the Packaged Retail and Insurance-based Investment Products Regulations 2017.”.

#### **Marginal Citations**

**M8** [S.I. 2014/1195](#), amended by [S.I. 2017/701](#).

**Changes to legislation:** There are currently no known outstanding effects for the The Packaged Retail and Insurance-based Investment Products Regulations 2017, SCHEDULE 2. (See end of Document for details)

## The Public Interest Disclosure (Prescribed Persons) Order 2014

9. In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014 <sup>M9</sup> (prescribed persons), in the entry relating to the Financial Conduct Authority, in the second column, after paragraph (m) insert—

“and

- (n) the conduct of PRIIP manufacturers and persons advising on or selling a PRIIP referred to in regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26th November 2014 on key information documents for packaged retail and insurance-based investment products, for the purposes of that regulation.”.

### Marginal Citations

**M9** [S.I. 2014/2418](#) amended by [S.I. 2017/701](#); there are other amendments but none is relevant.

**Changes to legislation:**

There are currently no known outstanding effects for the The Packaged Retail and Insurance-based Investment Products Regulations 2017, SCHEDULE 2.