

## SCHEDULES

### SCHEDULE 7

#### Consequential Amendments

### PART 2

#### Consequential Amendments to Secondary Legislation

##### **Estate Agents (Undesirable Practices) (No 2) Order 1991**

**12.** Schedule 3 (other matters) to the Estate Agents (Undesirable Practices) (No 2) Order 1991<sup>(1)</sup> is amended as follows—

- (a) at the beginning of paragraph 2, insert “Subject to paragraph 2A”;
- (b) after paragraph 2, insert—

“**2A.** Paragraph 2 does not apply if the estate agent does not forward accurate details of the offer because the estate agent is unable to apply the customer due diligence measures required by regulation 28, and where relevant, those required by regulations 33, and 35 to 37 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 in relation to the offeror.”.

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

**13.** In the Schedule (description of persons and matters) to the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999<sup>(2)</sup>—

- (a) in the entry relating to Her Majesty’s Revenue and Customs, in column 2, for “regulation 23(1)(d)(vii) of the Money Laundering Regulations 2007” substitute “regulation 7(1)(c)(vii) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”;
- (b) in the appropriate place, insert the following entry—

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“National Crime Agency	Matters relating to compliance with—
	(a) the Terrorism Act 2000;
	(b) the Proceeds of Crime Act 2002; or
	(c) the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”

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<sup>(1)</sup> [S.I. 1991/1032](#).

<sup>(2)</sup> [S.I. 1999/401](#). The Schedule was substituted by S.R. (N.I.) [2014 No 48](#). There are other amendments which are not relevant to these Regulations.

### **Terrorism Act 2000 (Crown Servants and Regulators) Regulations 2001**

14. In the meaning of “relevant business” in regulation 2 (interpretation) of the Terrorism Act 2000 (Crown Servants and Regulators) Regulations 2001<sup>(3)</sup> for “regulation 3(1)(a) to (h) of the Money Laundering Regulations 2007” substitute “regulation 8(2)(a) to (h) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

### **Representation of the People (England and Wales) Regulations 2001**

15. In regulation 114(3)(b) in the Representation of the People (England and Wales) Regulations 2001<sup>(4)</sup> (sale of full register to credit reference agencies), for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

### **Representation of the People (Scotland) Regulations 2001**

16. In regulation 113(3)(b) in the Representation of the People (Scotland) Regulations 2001<sup>(5)</sup> (sale of full register to credit reference agencies), for “the Money Laundering Regulations 2007” substitute “Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

### **Financial Services and Markets Act 2000 (Regulated Activities) Order 2001**

17. In article 72E(9) in the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001<sup>(6)</sup> (Business and Angel-led Enterprise Capital Funds) for “the Money Laundering Regulations 2007”<sup>(7)</sup> substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

### **Open-Ended Investment Companies Regulations 2001**

18. Regulation 48 (bearer shares) of the Open-Ended Investment Companies Regulations 2001<sup>(8)</sup> is amended as follows—

- (a) the existing text is renumbered as paragraph (1);
- (b) in that paragraph (1), after “investment company” insert “authorised before the day on which the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 came into force (“the relevant date”)”;
- (c) after paragraph (1) insert—
  - “(2) An open-ended investment company authorised on or after the relevant date may not issue any bearer shares under paragraph (1), and any provision in the instrument of incorporation of such an open-ended investment company purporting to authorise it to do so is void.
  - (3) Paragraph (2) does not apply to an open-ended investment company if—
    - (a) an application for an authorisation order was made in relation to that open-ended investment company before the relevant date; and
    - (b) that application was not determined until a date on or after the relevant date.”.

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(3) S.I. 2001/192. The definition of “relevant business” was amended by S.I. 2003/3075, 2007/2157.

(4) S.I. 2001/341. Regulation 114(3)(b) was amended by S.I. 2003/3075, 2007/2157, 2013/472.

(5) S.I. 2001/497 (S.2). Regulation 113(3)(b) was amended by S.I. 2003/3075, 2007/2157, 2013/472.

(6) S.I. 2001/544. Regulation 72E was inserted by S.I. 2005/1518, and paragraph (9) was amended by S.I. 2007/2157.

(7) S.I. 2007/2157.

(8) S.I. 2001/1228.

### **Proceeds of Crime Act 2002 (Disclosure of information to and by Lord Advocate and Scottish Ministers) Order 2003**

19. In article 3(d) (disclosure of information by Lord Advocate and by Scottish Ministers) of the Proceeds of Crime Act 2002 (Disclosure of Information to and by Lord Advocate and Scottish Ministers) Order 2003(9) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

### **Proceeds of Crime Act 2002 (Failure to Disclose Money Laundering: Specified Training) Order 2003**

20. In article 2 of the Proceeds of Crime Act 2002 (Failure to Disclose Money Laundering: Specified Training) Order 2003(10) (training specified), for “regulation 21 of the Money Laundering Regulations 2007” substitute “regulation 24 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

### **Legislative and Regulatory Reform (Regulatory Functions) Order 2007**

21.—(1) Part 1 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(11) is amended as follows.

(2) In the reference to “Her Majesty’s Revenue and Customs” for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

(3) In the reference to a “professional body” for “Schedule 3 to the Money Laundering Regulations 2007” substitute “Schedule 1 to the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

### **Representation of the People (Northern Ireland) Regulations 2008**

22. In regulation 112(3)(b) of the Representation of the People (Northern Ireland) Regulations 2008(12) (sale of full register etc to credit reference agencies), for paragraph (i), substitute—

“(i) the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017;”.

### **Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009**

23. In paragraph 2(6) of Schedule 3 (transitional and saving provisions) to the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009(13), in the definition of “review and appeal provisions”—

- (a) in paragraph (i) for “regulations 43 and 44 of the Money Laundering Regulations 2007” substitute “regulations 94 to 100 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”;
- (b) omit paragraph (j).

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(9) S.I. 2003/93. Article 3(d) was amended by S.I. 2007/2157 and S.S.I. 2014/49.

(10) S.I. 2003/171. Article 2 was amended by S.I. 2007/2157.

(11) S.I. 2007/3544. The references to Her Majesty’s Revenue and Customs and a professional body were amended by S.I. 2009/2981. There are other amendments to the Schedule which are not relevant to these Regulations.

(12) S.I. 2008/1741.

(13) S.I. 2009/56.

## Payment Services Regulations 2009

24.—(1) The Payment Services Regulations 2009(14) are amended as follows.

(2) In regulation 2(1) (interpretation)(15), in the definition of “the money laundering directive” for “[Directive 2005/60/EC](#) of the European Parliament and of the Council of 26th October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing” substitute “[Directive 2015/849/EU](#) of the European Parliament and of the Council of 20th May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing”.

(3) In regulation 6(7) (conditions for authorisation as a payment institution) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

(4) In regulation 13 (conditions for registration as a small payment institution)—

(a) in sub-paragraph (a) of paragraph (4) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”,

(b) in paragraph (6) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

(5) In regulation 25(4)(a) (supervision of firms exercising passport rights) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

(6) In regulation 29 (use of agents)—

(a) in sub-paragraph (a)(ii)(aa) of paragraph (3) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”,

(b) in subparagraph (c)(i) of paragraph (6) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

(7) In regulation 119(2) (duty to co-operate and exchange of information) for “regulation 49A of the Money Laundering Regulations 2007” substitute “regulation 105 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

(8) In paragraph 6 of Schedule 2 (information to be included in or with an application for authorisation)—

(a) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”;

(b) for “Regulation ([EC](#)) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds”(16) substitute “Regulation 2015/847/EU of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds”(17).

(9) In paragraph 3(d)(ii) in Part 1 of Schedule 5(18) (application and modification of the Financial Services and Markets Act 2000) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

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(14) [S.I. 2009/209](#).

(15) Regulation 2(1) was amended, but those amendments are not relevant to these Regulations.

(16) OJ L 345, 8.12.2006, p.1.

(17) OJ L 141, 05.06.2015, p.1.

(18) [2000 c. 8](#).

(10) In paragraph 10(h) in Part 2 of Schedule 5(19) (application and modification of secondary legislation) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

### **Companies (Disclosure of Address) Regulations 2009**

**25.** In paragraph 7(b) of Schedule 2 (disclosure to a credit reference agency) of the Companies (Disclosure of Address) Regulations 2009(20)—

- (a) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”;
- (b) for “[Directive 2005/60/EC](#) of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing”(21) substitute “[Directive 2015/849/EU](#) of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing”(22).

### **Overseas Companies Regulations 2009**

**26.** In paragraph 7(b) of Schedule 2 (disclosure to a credit reference agency) of the Overseas Companies Regulations 2009(23)—

- (a) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”;
- (b) for “[Directive 2005/60/EC](#) of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing” substitute “[Directive 2015/849/EU](#) of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing”.

### **Defence and Security Public Contracts Regulations 2011**

**27.** In regulation 23(1)(i) of Part 4 (criteria for the rejection of economic operators) to the Defence and Security Public Contracts Regulations 2011(24), at the end insert “or of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

### **Electronic Money Regulations 2011**

**28.—**(1) The Electronic Money Regulations 2011(25) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “money laundering directive” for “[Directive 2005/60/EC](#) of the European Parliament and of the Council of 26th October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing”(26) substitute “[Directive 2015/849/EU](#) of the European Parliament and of the Council of 20th May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing”(27).

(19) Paragraph 10(h) was amended by [S.I. 2015/1911](#).

(20) [S.I. 2009/214](#). Paragraph 7(b) was amended by [S.I. 2013/472](#).

(21) OJ L 309, 25.11.05, p15.

(22) OJ L 141, 05.06.15, p73.

(23) [S.I. 2009/1801](#). Paragraph 7(b) was amended by [S.I. 2013/472](#).

(24) [S.I. 2011/1848](#).

(25) [S.I. 2011/99](#).

(26) OJ No L 309, 25.11.05, p15.

(27) OJ No L 141, 05.06.15, p73.

(3) In regulation 6(7) (conditions for authorisation) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

(4) In regulation 13 (conditions for registration) —

(a) in subparagraph (a) of paragraph (8) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”;

(b) in paragraph (10) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

(5) In regulation 30(4)(a) (supervision of firms exercising passport rights) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

(6) In regulation 34 (requirement for agents to be registered)—

(a) in subparagraph (a)(ii)(aa) in paragraph (3) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”;

(b) in subparagraph (c)(i) in paragraph (6) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

(7) In regulation 71(2) (duty to cooperate and exchange information), in the words before sub-paragraph (a), for “regulation 49A of the Money Laundering Regulations 2007” substitute “regulation 105 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

(8) In paragraph 6 of Schedule 1 (information to be included in or with an application for authorisation)—

(a) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”;

(b) for “Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds”(28) substitute “Regulation 2015/847/EU of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds”(29).

## **Terrorism Act 2000 and Proceeds of Crime Act 2002 (Business in the Regulated Sector) (No 2) Order 2012**

**29.**—(1) Regulation 4 (review) of the Terrorism Act 2000 and Proceeds of Crime Act 2002 (Business in the Regulated Sector) (No 2) Order 2012(30) is amended as follows.

(2) In paragraph (2) for “Directive 2005/60/EC of the European Parliament and of the Council on the protection of the use of the financial system for the purpose of money laundering and terrorist financing” substitute “Directive 2015/849/EU of the European Parliament and of the Council of 20th May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing”(31).

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(28) OJ No L 345, 8.12.06, p.1.

(29) OJ L 141, 05.06.2015, p.1.

(30) S.I. 2012/2299.

(31) OJ L 141, 05.06.15, p.73.

(3) In paragraph (4) for “the end of the period of five years beginning with the day on which this Order comes into force” substitute “26th June 2022”.

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

**30.** In regulation 2(1)(d) (enforcement of powers) of the Payment to Treasury of Penalties (Enforcement Costs) Order 2013(**32**) for “regulation 42 of the Money Laundering Regulations 2007” substitute “regulation 76 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

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

**31.** In the Schedule (description of persons and matters) to the Public Interest Disclosure (Prescribed Persons) Order 2014(**33**), in the entry relating to the National Crime Agency, for the words in the second column substitute—

“Matters relating to—

- (a) corrupt individuals or companies offering or receiving bribes to secure a benefit for themselves or others;
- (b) compliance with—
  - (i) the Terrorism Act 2000;
  - (ii) the Proceeds of Crime Act 2002; or
  - (iii) the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

### **Companies (Disclosure of Date of Birth Information) Regulations 2015**

**32.** In paragraph 7(b) of Schedule 2 (disclosure to a credit reference agency) to the Companies (Disclosure of Date of Birth Information) Regulations 2015(**34**)—

- (a) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”;
- (b) for “[Directive 2005/60/EC](#) of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing”(35) substitute “[Directive 2015/849/EU](#) of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing”.

### **Payment Accounts Regulations 2015**

**33.** In regulation 25(1)(b) of Part 4 (refusal of application) in the Payment Accounts Regulation 2015(**36**) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

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(32) [S.I. 2013/418](#).

(33) [S.I. 2014/2418](#). There are amendments to the Schedule, but they are not relevant to these Regulations.

(34) [S.I. 2015/1694](#).

(35) OJ L 309, 25.11. 05, p.15.

(36) [S.I. 2015/2038](#).

### **Register of People with Significant Control Regulations 2016**

**34.** In paragraph 8(b) of Schedule 4 (disclosure to a credit reference agency) of the Register of People with Significant Control Regulations 2016<sup>(37)</sup>—

- (a) in paragraph (i) for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”;
- (b) in paragraph (iii) for “[Directive 2005/60/EC](#) of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing” substitute “[Directive 2015/849/EU](#) of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing”.

### **Economic Growth (Regulatory Functions) Order 2017**

**35.** In Part 1 of the Schedule to the Economic Growth (Regulatory Functions) Order 2017<sup>(38)</sup>, in the entry for Her Majesty’s Revenue and Customs, for “the Money Laundering Regulations 2007” substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

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<sup>(37)</sup> S.I. 2016/339.

<sup>(38)</sup> S.I. 2017/267.