

SCHEDULE 6

Application and modification of legislation

PART 2

Application and modification of secondary legislation

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

13. The Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001⁽¹⁾ apply with the following modifications—

(a) regulation 2 (interpretation) is to be read as if—

(i) in the definition of “EEA competent authority” after “single market directives” there were inserted “, the payment services directive, Regulation (EU) 2015/751 of the European Parliament and of the Council of 29th April 2015 on interchange fees for card-based payment transactions⁽²⁾”;

(ii) in paragraph (a) of the definition of “overseas regulatory authority” after “of the Act” there were inserted “or any function conferred under national legislation in implementation of the payment services directive”; and

(iii) after the definition of “overseas regulatory authority” there were inserted—

““payment services directive” means [Directive 2015/2366/EU](#) of the European Parliament and of the Council of 25th November 2015 on payment services in the internal market, amending Directives [2002/65/EC](#), [2009/110/EC](#) and [2013/36/EU](#) and Regulation (EU) No. 1093/2010, and repealing [Directive 2007/64/EC](#)⁽³⁾;

“payment services directive information” means confidential information received by the FCA in the course of discharging its functions as the competent authority under the payment services directive;”;

(iv) in the definition of “single market restrictions” after paragraph (o) there were inserted—

“(p) article 24 of the payment services directive;”;

(b) regulation 5(4)(a) (disclosure for the purposes of certain other proceedings) is to be read as if for “an authorised person, former authorised person or former regulated person” there were substituted “a payment service provider, former payment service provider, excluded provider or former excluded provider”;

(c) regulation 5(6)(e) is to be read as if for “an authorised person, former authorised person or former regulated person” there were substituted “a payment service provider, former payment service provider, excluded provider or former excluded provider”;

(d) regulation 8 (application of Part 3) is to be read as if after sub-paragraph (f) there were inserted—

“(g) payment services directive information.”;

(1) [S.I. 2001/2188](#), amended by [S.I. 2001/3437](#) and [3624](#), [2002/1775](#), [2003/693](#), [2066](#), [2174](#) and [2817](#), [2004/1862](#) and [3379](#), [2005/3071](#), [2006/3413](#), [2007/3255](#), [2009/2877](#), [2010/2628](#), [2011/1043](#), [1265](#), [1613](#) and [2085](#), [2012/725](#), [916](#), [2554](#) and [3019](#), [2013/472](#), [504](#), [1162](#), [1773](#), [2329](#) and [3115](#), [2014/549](#), [883](#), [2879](#) and [3348](#), [2015/575](#) and [910](#), and [2016/225](#), [680](#) and [715](#).

(2) OJ L 123, 19.5.2015, p.1.

(3) OJ L 337 23.12.2015, p.35.

Status: This is the original version (as it was originally made).

- (e) regulation 9 (disclosure by regulators or regulator workers to certain other persons) is to be read as if—
 - (i) in paragraph (1) after “paragraphs” there were inserted “(1B)”; and
 - (ii) after paragraph (1A) there were inserted—
 - “(1B) Paragraph (1) does not permit disclosure to the persons specified in the first column in Part 4A of Schedule 1 unless the disclosure is of payment services directive information.”;
- (f) regulation 11 (application of Part 4) is to be read as if after sub-paragraph (h) there were inserted—
 - “(i) payment services directive information.”;
- (g) Part 1 of Schedule 1 (disclosure of confidential information whether or not subject to single market restrictions) is to be read as if, in the second column, in the list of functions beside—
 - (i) “An official receiver appointed under section 399 of the Insolvency Act 1986, or an official receiver for Northern Ireland appointed under article 355 of the Insolvency (Northern Ireland) Order 1989”, after paragraph (ii) there were inserted—
 - “or
 - (iv) payment service providers, former payment service providers, excluded providers or former excluded providers”;
 - (ii) “The Department of Enterprise, Trade and Investment in Northern Ireland”, after paragraph (c)(ii) there were inserted—
 - “or
 - (iii) payment service providers, former payment service providers, excluded providers or former excluded providers”;
 - (iii) “The Pensions Regulator”, after paragraph (ii) there were inserted—
 - “or
 - (iii) payment service providers, former payment service providers, excluded providers or former excluded providers”;
 - (iv) “The Charity Commissioners for England and Wales”, after paragraph (ii) there were inserted—
 - “or
 - (iii) payment service providers, former payment service providers, excluded providers or former excluded providers”; and
- (h) Schedule 1 is to be read as if after Part 4 there were inserted—

“PART 4A

<i>Person</i>	<i>Functions</i> >
The Commissioners for Her Majesty’s Revenue and Customs	Their functions under the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.