

## SCHEDULE 8

### Amendments to legislation

## PART 1

### Amendments to primary legislation

#### **Financial Services and Markets Act 2000**

- 2.—(1) The 2000 Act<sup>(1)</sup> is amended as follows.
- (2) In section 1H (further interpretative provisions for sections 1B to 1G)<sup>(2)</sup>, in subsection (8)—
- (a) in the definition of “payment services” for “2009” substitute “2017”;
  - (b) in the definition of “payment service provider”—
    - (i) for “2009” substitute “2017”;
    - (ii) for “(g) or (h)” substitute “(i) or (j)”.
- (3) In section 206A (suspending permission to carry on regulated activities etc.)<sup>(3)</sup>, in subsection (1A)(a) for “2009” substitute “2017”.
- (4) In section 226 (compulsory jurisdiction)<sup>(4)</sup>—
- (a) in subsection (2)(b) for “2009” substitute “2017”;
  - (b) after subsection (5) insert—

“(5A) If the FCA specifies activities which are account information services provided by authorised payment institutions or EEA authorised payment institutions, the FCA must specify to the same extent account information services provided by registered account information service providers or, as the case may be, EEA registered account information service providers.

(5B) Expressions used in subsection (5A) and in the Payments Services Regulations 2017 have the same meaning in that subsection as they do in those Regulations.”.
- (5) In section 234 (industry funding)<sup>(5)</sup>, in subsection (1) for “2009” substitute “2017”.
- (6) In section 379A(2)(a) (power to apply settlement finality regime to payment institutions)<sup>(6)</sup> for “2009 (S.I. 2009/209)” substitute “2017”.
- (7) In section 404E (meaning of consumers)<sup>(7)</sup>, in subsection (6)—
- (a) in the definition of “payment services” for “2009” substitute “2017”;
  - (b) in the definition of “payment service provider” for “(e)” substitute “(g)”.
- (8) In section 404F (other definitions etc.)<sup>(8)</sup>, in subsection (8)(b)—
- (a) for “11” substitute “12”;

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(1) 2000 c. 8.

(2) Section 1H was substituted (with the rest of Part 1A) for Part 1 by section 6 of the Financial Services Act 2012 and amended by S.I. 2013/655, 1881 and 3115.

(3) Section 206A was inserted by section 9 of the Financial Services Act 2010. Subsection (1A) was inserted by paragraph 13 of Schedule 9 to the Financial Services Act 2012.

(4) Subsection (2) was amended by S.I. 2009/209 and 2011/99.

(5) Subsection (1) was amended by paragraph 10 of Schedule 11 to the Financial Services Act 2012, S.I. 2009/209 and 2011/99.

(6) Section 379A was inserted by section 112 of the Digital Economy Act 2017 (c. 30).

(7) Section 404E was substituted, with other sections, for section 404 by section 14 of the Financial Services Act 2010. Subsection (6) was amended by S.I. 2011/99 and 2013/1881.

(8) Section 404F was substituted, with other sections, for section 404 by section 14 of the Financial Services Act 2010. Subsection (6) was amended by paragraph 20 of Schedule 18 to the Financial Services Act 2012 and by S.I. 2011/99.

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

(b) for “2009” substitute “2017”.

(9) In Schedule 1A (further provision about the Consumer Financial Education Body)**(9)**, in paragraph 12(5)—

(a) for “2009” substitute “2017”; and

(b) for “(f)” substitute “(h)”.

(10) In Schedule 17 (the ombudsman scheme)**(10)**, in paragraph 13(4) for “2009” substitute “2017”.

(11) Any reference, in an amendment to the 2000 Act made by an Act passed in the Session in which these Regulations are made, to a person who is a payment service provider for the purposes of the Payment Services Regulations 2009 as a result of falling within any of paragraphs (a) to (f) of the definition in regulation 2(1) of those Regulations is to be read as a reference to a person who is a payment service provider for the purposes of these Regulations as a result of falling within any of paragraphs (a) to (h) of the definition in regulation 2(1) of these Regulations.

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(9) Schedule 1A was inserted by paragraph 1 of Schedule 1 to the Financial Services Act 2010. Paragraph 12 was amended by paragraph 13 of Schedule 15 to the Financial Services Act 2012 and by [S.I. 2011/99](#).

(10) Paragraph 13 was amended by paragraph 24 of Schedule 11 to the Financial Services Act 2012, and by [S.I. 2009/209](#), [2011/99](#) and [2015/542](#).