

Status: Point in time view as at 06/04/2005.

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SCHEDULES

SCHEDULE 5

Section 23.

TRANSFER OF FUNCTIONS: CONSEQUENTIAL AMENDMENTS

PART I

BANKING SUPERVISION

CHAPTER I

BANKING ACT 1987

F1¹

Textual Amendments

F1 Sch. 5 para. 1 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

2 F2²

Textual Amendments

F2 Sch. 5 para. 2 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

F3³

Textual Amendments

F3 Sch. 5 para. 3 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

F4⁴

Textual Amendments

F4 Sch. 5 para. 4 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

F5⁵

Textual Amendments

F5 Sch. 5 para. 5 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

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F⁶6

Textual Amendments
F6 Sch. 5 para. 6 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

F⁷7

Textual Amendments
F7 Sch. 5 para. 7 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

F⁸8

Textual Amendments
F8 Sch. 5 para. 8 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

F⁹9

Textual Amendments
F9 Sch. 5 para. 9 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

F¹⁰10

Textual Amendments
F10 Sch. 5 para. 10 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

F¹¹11

Textual Amendments
F11 Sch. 5 para. 11 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

F¹²12

Textual Amendments
F12 Sch. 5 para. 12 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

F¹³13

Textual Amendments
F13 Sch. 5 para. 13 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

F¹⁴14

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Textual Amendments

F14 [Sch. 5 para. 14](#) repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1](#), 162(b)

^{F15}15

Textual Amendments

F15 [Sch. 5 para. 15](#) repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1](#), 162(b)

^{F16}16

Textual Amendments

F16 [Sch. 5 para. 16](#) repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1](#), 162(b)

^{F17}17

Textual Amendments

F17 [Sch. 5 para. 17](#) repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1](#), 162(b)

^{F18}18

Textual Amendments

F18 [Sch. 5 para. 18](#) repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1](#), 162(b)

^{F19}19

Textual Amendments

F19 [Sch. 5 para. 19](#) repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1](#), 162(b)

^{F20}20

Textual Amendments

F20 [Sch. 5 para. 20](#) repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1](#), 162(b)

CHAPTER II

BANKING COORDINATION (SECOND COUNCIL DIRECTIVE) REGULATIONS 1992

^{F21}21

Status: Point in time view as at 06/04/2005.

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Textual Amendments

F21 Sch. 5 para. 21 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F22}22

Textual Amendments

F22 Sch. 5 para. 22 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F23}23

Textual Amendments

F23 Sch. 5 para. 23 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F24}24

Textual Amendments

F24 Sch. 5 para. 24 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F25}25

Textual Amendments

F25 Sch. 5 para. 25 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F26}26

Textual Amendments

F26 Sch. 5 para. 26 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F27}27

Textual Amendments

F27 Sch. 5 para. 27 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F28}28

Textual Amendments

F28 Sch. 5 para. 28 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F29}29

Status: Point in time view as at 06/04/2005.

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Textual Amendments

F29 Sch. 5 para. 29 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F30}30

Textual Amendments

F30 Sch. 5 para. 30 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F31}31

Textual Amendments

F31 Sch. 5 para. 31 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F32}32

Textual Amendments

F32 Sch. 5 para. 32 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F33}33

Textual Amendments

F33 Sch. 5 para. 33 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F34}34

Textual Amendments

F34 Sch. 5 para. 34 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F35}35

Textual Amendments

F35 Sch. 5 para. 35 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

CHAPTER III

OTHER ENACTMENTS

Consumer Credit Act 1974 (c. 39)

36 In the Consumer Credit Act 1974, in section 16(3)(f), for “Bank of England” there is substituted “Financial Services Authority”.

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Insolvency Act 1986 (c. 45)

- 37 In the Insolvency Act 1986, in section 422(1), for “Bank of England” there is substituted “ Financial Services Authority ”.

Building Societies Act 1986 (c. 53)

- 38 (1) Section 101 of the Building Societies Act 1986 is amended as follows.
- (2) In subsection (4), for “Bank”, in both places, there is substituted “ Authority ”.
- (3) In subsection (6)—
- (a) for the definition of “the Bank” there is substituted—
- ““the Authority” means the Financial Services Authority”, and
- (b) in paragraph (c) of the definition of “financial institution”, for “Bank” there is substituted “ Authority ”.

Financial Services Act 1986 (c. 60)

F3639

Textual Amendments

F36 Sch. 5 para. 39 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

Insolvency (Northern Ireland) Order 1989 S.I. 1989/2405 (N.I. 19)

- 40 In the Insolvency (Northern Ireland) Order 1989, in Article 366, for “Bank of England” there is substituted “ Financial Services Authority ”.

Courts and Legal Services Act 1990 (c. 41)

- 41 (1) The Courts and Legal Services Act 1990 is amended as follows.
- (2) In sections 37(8)(a) and 48(4)(a), the words “by the Bank of England” are omitted.
- (3) In section 52(6)—
- (a) in paragraph (a), the words “by the Bank of England” are omitted, and
- (b) for “with the Bank of England” there is substituted “ with the Financial Services Authority ”.
- (4) In section 54(1), in the inserted subsection (2)(e)(i), the words “by the Bank of England,” are omitted.

Charities Act 1993 (c. 10)

- 42 In the Charities Act 1993, in section 28(8)(b)(ii), for “Bank of England” there is substituted “ Financial Services Authority ”.

Building Societies Act 1997 (c. 32)

- 43 (1) Section 32 of the Building Societies Act 1997 is amended as follows.

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- (2) In subsection (1), for “Bank” there is substituted “ Authority ”.
- (3) In subsection (3)(a), for “Governor of the Bank” there is substituted “ Chairman of the Authority ”.
- (4) In subsection (7), for the definition of “the Bank” there is substituted—
““the Authority” means the Financial Services Authority.”

PART II

SUPERVISION UNDER SECTION 43 OF THE FINANCIAL SERVICES ACT 1986

Financial Services Act 1986 (c. 60)

F37 44

Textual Amendments

F37 Sch. 5 para. 44 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

Investment Services Regulations 1995 (S.I. 1995/3275)

F38 45

Textual Amendments

F38 Sch. 5 para. 45 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

PART III

SUPERVISION UNDER SECTION 171 OF THE COMPANIES ACT 1989

Companies Act 1989 (c. 40)

46 The Companies Act 1989 is amended as follows.

F39 47

Textual Amendments

F39 Sch. 5 para. 47 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

- 48 (1) Section 176 is amended as follows.
- (2) In subsection (2)(b), for “Bank of England” there is substituted “ Financial Services Authority ”.
- (3) For subsection (6) there is substituted—

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“(6) Before making regulations under this section relating to a description of charges defined by reference to their being granted in favour of a person included in the list maintained by the Financial Services Authority for the purposes of section 171, or in connection with exchange facilities or clearing services provided by a person included in that list, the Secretary of State and the Treasury shall consult the Authority and the Bank of England.

(6A) Before making regulations under this section relating to a description of charges defined by reference to their being granted in favour of the Bank of England, or in connection with settlement arrangements provided by the Bank, the Secretary of State and the Treasury shall consult the Bank.”

Companies (No. 2) (Northern Ireland) Order 1990 (S.I. 1990/1504 (N.I. 10))

49 (1) The Companies (No. 2) (Northern Ireland) Order 1990 is amended as follows.

50 In article 93(3), for “and the Bank of England” there is substituted “, the Bank of England and the Financial Services Authority”.

51 (1) Article 98 is amended as follows.

(2) In paragraph (2)(b), for “Bank of England” there is substituted “ Financial Services Authority”.

(3) For paragraph (6) there is substituted—

“(6) Before making regulations under this Article relating to a description of charges defined by reference to their being granted in favour of a person included in the list maintained by the Financial Services Authority for the purposes of section 171 of the ^{M1}Companies Act 1989, or in connection with exchange facilities or clearing services provided by a person included in that list, the Department shall consult the Treasury, the Authority and the Bank of England.

(6A) Before making regulations under this Article relating to a description of charges defined by reference to their being granted in favour of the Bank of England, or in connection with settlement arrangements provided by the Bank, the Department shall consult the Treasury and the Bank.”

Marginal Citations

M1 1989 c. 40.

PART IV

GENERAL: DISCLOSURE OF INFORMATION

CHAPTER I

BANKING ACT 1987

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Textual Amendments

F40 Sch. 5 para. 52 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F41}53

Textual Amendments

F41 Sch. 5 para. 53 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F42}54

Textual Amendments

F42 Sch. 5 para. 54 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F43}55

Textual Amendments

F43 Sch. 5 para. 55 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F44}56

Textual Amendments

F44 Sch. 5 para. 56 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F45}57

Textual Amendments

F45 Sch. 5 para. 57 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F46}58

Textual Amendments

F46 Sch. 5 para. 58 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

^{F47}59

Textual Amendments

F47 Sch. 5 para. 59 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

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CHAPTER II

OTHER ENACTMENTS

Consumer Credit Act 1974 (c. 39)

- 60 In section 174(3A) of the Consumer Credit Act 1974—
- (a) for “Bank of England” there is substituted “ Financial Services Authority ”, and
 - (b) for “Bank” there is substituted “ Authority ”.

Insurance Companies Act 1982 (c. 50)

F48 61

Textual Amendments

F48 Sch. 5 para. 61 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

Companies Act 1985 (c. 6)

F49 62

Textual Amendments

F49 Sch. 5 para. 62 repealed (6.4.2005) by Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27), s. 65(1), Sch. 8; S.I. 2004/3322, art. 2(2), Sch. 2

Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I. 6))

- 63 (1) Article 442 of the Companies (Northern Ireland) Order 1986 is amended as follows.
- (2) In paragraph (1), for sub-paragraph (f) there is substituted—
- “(f) for the purpose of enabling or assisting the Bank of England to discharge its functions;
 - (fa) for the purpose of enabling or assisting the Financial Services Authority to discharge—
 - (i) any functions under the Financial Services Act 1986, other than as a designated agency within the meaning of that Act,
 - (ii) its functions under the Banking Act 1987, or
 - (iii) its functions under section 171 of the Companies Act 1989;”.
- (3) In subsection (3), after paragraph (h) there is inserted—
- “(ha) the Financial Services Authority, other than in its capacity as a designated agency within the meaning of the Financial Services Act 1986;”.

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Building Societies Act 1986 (c. 53)

- 64 (1) The Building Societies Act 1986 is amended as follows.
- (2) In section 53, in subsection (5)—
- (a) for “Bank of England”, in the first place where it occurs, there is substituted “ Financial Services Authority ”,
 - (b) for paragraph (b) there is substituted—
 - “(b) by the Authority of any of its functions under the Banking Act 1987 or as a supervisor of money market institutions;”,
 - and
 - (c) for “Bank of England”, in the second place where it occurs, there is substituted “ Authority ”.
- (3) In that section, after subsection (5) there is inserted—
- “(5A) Nothing in subsection (1) above prohibits the disclosure of information to the Bank of England where, in the opinion of the Commission, it is desirable or expedient that the information should be disclosed with a view to facilitating the discharge—
- (a) by the Commission of any of its functions under this Act; or
 - (b) by the Bank of any of its functions;
- nor does subsection (1) above prohibit further disclosure of the information by the Bank of England with the consent of the Commission.”
- (4) In section 54(3A)—
- (a) for “Bank of England”, in the first place where it occurs, there is substituted “ Financial Services Authority, other than in its capacity as a designated agency within the meaning of the ^{M2}Financial Services Act 1986, ”, and
 - (b) for “Bank of England”, in the second place where it occurs, there is substituted “ Financial Services Authority ”.

Marginal Citations

M2 1986 c. 60.

Financial Services Act 1986 (c. 60)

^{F50}65

Textual Amendments

F50 Sch. 5 para. 65 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

Companies Act 1989 (c. 40)

^{F51}66

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Textual Amendments

F51 Sch. 5 para. 66 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

Courts and Legal Services Act 1990 (c. 41)

- 67 In section 50(2) of the Courts and Legal Services Act 1990—
 - (a) after paragraph (f) there is inserted—
 - “(fa) the Financial Services Authority to discharge any of its functions under the Financial Services Act 1986 (other than as a designated agency within the meaning of that Act), the Banking Act 1987 or section 171 of the Companies Act 1989;”, and
 - (b) in paragraph (p)(i), for “Bank of England” there is substituted “ Financial Services Authority ”.

Friendly Societies Act 1992 (c. 40)

^{F52}68

Textual Amendments

F52 Sch. 5 para. 68 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 162(b)

Pension Schemes Act 1993 (c. 48)

- 69 (1) The Pension Schemes Act 1993 is amended as follows.
 - (2) In section 149(6)(e), for “Bank of England” there is substituted “ Financial Services Authority ”.
 - (3) In section 158A(1), in the Table, in the entry relating to the Bank of England, for the words in the second column there is substituted “Any of its functions”, and after that entry there is inserted—

“The Financial Services Authority.	Functions under the <small>M3</small> Financial Services Act 1986 (other than as a designated agency within the meaning of that Act), the <small>M4</small> Banking Act 1987 or section 171 of the <small>M5</small> Companies Act 1989.”
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Marginal Citations

- M3** 1986 c. 60.
- M4** 1987 c. 22.

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M5 1989 c. 40.

Pension Schemes (Northern Ireland) Act 1993 (c.49)

- 70 (1) The Pension Schemes (Northern Ireland) Act 1993 is amended as follows.
- (2) In section 145(6)(e), for “Bank of England” there is substituted “ Financial Services Authority ”.
- (3) In section 154A(1), in the Table, in the entry relating to the Bank of England, for the words in the second column there is substituted “ Any of its functions ”, and after that entry there is inserted—

“The Financial Services Authority.	Functions under the Financial Services Act 1986 (other than as a designated agency within the meaning of that Act), the Banking Act 1987 or section 171 of the Companies Act 1989.”
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Pensions Act 1995 (c. 26)

- 71 In section 107(1) of the Pensions Act 1995, in the Table, in the entry relating to the Bank of England, for the words in the second column there is substituted “Any of its functions”, and after that entry there is inserted—

“The Financial Services Authority.	Functions under the Financial Services Act 1986 (other than as a designated agency within the meaning of that Act), the Banking Act 1987 or section 171 of the Companies Act 1989.”
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Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

- 72 In Article 105(1) of the Pensions (Northern Ireland) Order 1995, in the Table, in the entry relating to the Bank of England, for the words in the second column there is substituted “ Any of its functions ”, and after that entry there is inserted—

“The Financial Services Authority.	Functions under the Financial Services Act 1986 (other than as a designated agency within the meaning of that Act), the Banking Act 1987 or section 171 of the Companies Act 1989.”
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