

**Changes to legislation:** Finance Act 2011, Paragraph 13D is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 23

#### DATA-GATHERING POWERS

##### Modifications etc. (not altering text)

- C1** Sch. 23 applied by S.I. 2009/470 reg. 33(1) (as substituted (6.4.2013) by [The Education \(Student Loans\) \(Repayment\) \(Amendment\) Regulations 2013 \(S.I. 2013/607\)](#), regs. 1(1), 9))
- C1** Sch. 23 applied (16.6.2016) (with application in accordance with reg. 1 of the amending S.I.) by [The Education \(Postgraduate Masters Degree Loans\) Regulations 2016 \(S.I. 2016/606\)](#), regs. 1(1), 43(1)

#### PART 2

#### RELEVANT DATA-HOLDERS

##### *Money service businesses*

- [<sup>F1</sup>13D(1) A person is a relevant data-holder if the person—
- (a) carries on any of the activities in sub-paragraph (2) by way of business,
  - (b) is a relevant person within the meaning of regulation 8(1) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ([S.I. 2017/692](#)), and
  - (c) is not an excluded credit institution.
- (2) The activities referred to in sub-paragraph (1)(a) are—
- (a) operating a currency exchange office;
  - (b) transmitting money (or any representation of monetary value) by any means;
  - (c) cashing cheques which are made payable to customers.
- (3) An excluded credit institution is a credit institution which has permission to carry on the regulated activity of accepting deposits—
- (a) under Part 4A of the Financial Services and Markets Act 2000 (permission to carry on regulated activities), <sup>F2</sup>...
  - <sup>F3</sup>(b) .....
- (4) Sub-paragraph (3) is to be read with section 22 of and Schedule 2 to the Financial Services and Markets Act 2000, and any order under that section (classes of regulated activities).
- (5) In this paragraph “credit institution” has the meaning given by Article 4.1(1) of Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms.]

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#### Textual Amendments

- F1** Sch. 23 para. 13D and cross-heading inserted (with application in accordance with s. 69(2) of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), s. 69\(1\)](#)
- F2** Word in Sch. 23 para. 13D(3)(a) omitted (31.12.2020) by virtue of [The Taxes \(Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/689\), regs. 1, 20\(3\)\(a\)\(i\)](#) (with regs. 39-41); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** Sch. 23 para. 13D(3)(b) omitted (31.12.2020) by virtue of [The Taxes \(Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/689\), regs. 1, 20\(3\)\(a\)\(ii\)](#) (with regs. 39-41); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 23 para. 45(1)(ia) inserted by [2017 c. 10 Sch. 11 para. 6\(3\)](#)
- Sch. 23 para. 2(1A) inserted by [S.I. 2019/397 reg. 2\(2\)](#) (This amendment not applied to legislation.gvo.uk. Amending Regulations revoked on IP completion day by S.I. 2020/1544, regs. 1, 8; S.I. 2020/1641, reg. 2, Sch.)
- Sch. 23 para. 15A inserted by [S.I. 2019/397 reg. 2\(3\)](#) (This amendment not applied to legislation.gvo.uk. Amending Regulations revoked on IP completion day by S.I. 2020/1544, regs. 1, 8; S.I. 2020/1641, reg. 2, Sch.)