
STATUTORY INSTRUMENTS

2001 No. 3649

**The Financial Services and Markets Act 2000
(Consequential Amendments and Repeals) Order 2001**

PART 3

ENACTMENTS RELATING TO PENSIONS

Superannuation Act 1972 (c. 11)

Authorised providers in relation to superannuation schemes for civil servants etc.

106.—(1) Section 1 of the Superannuation Act 1972 (superannuation schemes in respect civil servants etc) is amended as follows.

(2) In subsection (9)(1), for the definition of “authorised provider” substitute—

““authorised provider”, in relation to the investment of any sums paid by way of voluntary contributions or the provision of any benefit, means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to invest such sums or, as the case may be, to provide that benefit;
- (b) an EEA firm of a kind mentioned in paragraph 5(a), (b) or (c) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to invest such sums or, as the case may be, to provide that benefit and which satisfies the conditions applicable to it which are specified in subsection (9B), (9C) or (9D); or
- (c) an EEA firm of a kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to invest such sums or, as the case may be, to provide that benefit;”.

(3) After that subsection insert—

“(9A) In subsection (9), the definition of “authorised provider” must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.

(9B) If the EEA firm concerned is of the kind mentioned in paragraph 5(a) of Schedule 3 to the Financial Services and Markets Act 2000, the conditions are—

- (a) that, in investing of the sums in question, or in providing the benefit in question, the firm is carrying on a service falling within section A or C of the Annex to the Investment Services Directive; and

(1) Section 1(9) was inserted by the Pensions (Miscellaneous Provisions) Act 1990 (c. 7) s. 8(2) and amended by the Pensions Schemes Act 1993 (c. 48) Schedule 8 paragraph 6.

- (b) that the firm is authorised by its home state authorisation to carry on that service.
- (9C) If the EEA firm concerned is of the kind mentioned in paragraph 5(b) of that Schedule, the conditions are—
 - (a) that, in investing of the sums in question, or in providing the benefit in question, the firm is carrying on an activity falling within Annex 1 to the Banking Consolidation Directive; and
 - (b) that the activity in question is one in relation to which an authority in the firm’s home State has regulatory functions.
- (9D) If the EEA firm concerned is of the kind mentioned in paragraph 5(c) of that Schedule, the conditions are—
 - (a) that, in investing of the sums in question, or in providing the benefit in question, the firm is carrying on an activity falling within Annex 1 to the Banking Consolidation Directive;
 - (b) that the activity in question is one in relation to which an authority in the firm’s home State has regulatory functions; and
 - (c) that the firm also carries on the activity in question in its home State.
- (9E) Expressions used in subsections (9B) to (9D) which are also used in Schedule 3 to the Financial Services and Markets Act 2000 have the same meaning in those subsections as they have in that Schedule.”.

Authorised providers in relation to superannuation schemes for teachers

107. In section 9(6) of the Superannuation Act 1972 (superannuation schemes as respects teachers) for the definition of “authorised provider”(2) substitute—

““authorised provider” has the meaning given in section 1;”.

Authorised providers in relation to superannuation schemes for persons engaged in health services, etc.

108. In section 10(6) of the Superannuation Act 1972 (superannuation schemes as respects persons engaged in health services, etc) for the definition of “authorised provider”(3) substitute—

““authorised provider” has the meaning given in section 1;”.

(2) The definition of “authorised provider” in section 9(6) was inserted by the Pensions (Miscellaneous Provisions) Act 1990 (c. 7) s. 8(6).
(3) The definition of “authorised provider” in section 10(6) was inserted by the Pensions (Miscellaneous Provisions) Act 1990 (c. 7) s. 8(6).