

SCHEDULE 5

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

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

- (a) in regulation 2—
 - (i) in the definition of “directive restrictions” for “and article 9 of the insurance mediation directive” substitute “, article 9 of the insurance mediation directive and Article 22 of the payment services directive”;
 - (ii) in paragraph (a) of the definition of “overseas regulatory authority” after “of the Act” insert “or any function conferred under national legislation in implementation of the payment services directive”; and
 - (iii) after the definition of “overseas regulatory authority” insert—
 - ““payment services directive” means Directive [2007/64/EC](#) of the European Parliament and of the Council of 13th November 2007 on payment services in the internal market;
 - “payment services directive information” means confidential information received by the Authority in the course of discharging its functions as the competent authority under the payment services directive;”;
- (b) in regulation 5(4)(a) for “an authorised person, former authorised person or former regulated person” substitute “an authorised payment institution, former authorised payment institution, small payment institution or former small payment institution”;
- (c) in regulation 5(6)(e) for “an authorised person, former authorised person or former regulated person” substitute “an authorised payment institution, former authorised payment institution, small payment institution or former small payment institution”;
- (d) in regulation 8 after sub-paragraph (b) insert—
 - “(c) payment services directive information.”;
- (e) in regulation 9—
 - (i) in paragraph (1) for “(3) and (3A)” substitute “(3), (3A) and (4)”;
 - (ii) after paragraph (3B) insert—
 - “(4) Paragraph (1) does not permit disclosure to the persons specified in the first column in Part 5 of Schedule 1 unless the disclosure is of payment services directive information.”;
- (f) in regulation 11 after sub-paragraph (d) insert—
 - “(e) payment services directive information.”;
- (g) in the second column in Part 1 of Schedule 1, in the list of functions beside—

(1) [S.I. 2001/2188](#); relevant amending instruments are [S.I. 2003/1473](#), [2005/3071](#), [2006/3413](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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) insert—
 - “or
 - (iii) payment service providers or former payment service providers”;
- (ii) “The Department of Enterprise, Trade and Investment in Northern Ireland”, after paragraph (c)(ii) insert—
 - “or
 - (iii) payment service providers or former payment service providers”;
- (iii) “The Pensions Regulator”, after paragraph (ii) insert—
 - “or
 - (iii) payment service providers or former payment service providers”;
- (iv) “The Charity Commissioners for England and Wales”, after paragraph (ii) insert—
 - “or
 - (iii) payment service providers or former payment service providers”;
- (h) in Schedule 1, after Part 4 insert—

“PART 5

<i>Person</i>	<i>Functions</i>
The Commissioners for Her Majesty’s Revenue and Customs	Their functions under the Money Laundering Regulations 2007”