

SCHEDULE

PART 2

Amendments of secondary legislation etc.

The Estate Agents (Specified Offences) (No. 2) Order 1991

18. In the Schedule to the Estate Agents (Specified Offences) (No 2) Order 1991 (specified offences)(1), in the entry relating to the 1974 Act, omit the references to section 7, section 39(1), (2) and (3) and section 167(2).

The Education (Student Loans) Regulations (Northern Ireland) 1998

19. In paragraph 1 of Schedule 2 to the Education (Student Loans) Regulations (Northern Ireland) 1998(2), for the definition of “APR” substitute—

““APR” means the annual percentage rate of charge calculated under rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order;”.

The Education (Student Loans) Regulations 1998

20. In paragraph 1 of Schedule 2 to the Education (Student Loans) Regulations 1998(3), for the definition of “APR” substitute—

““APR” means the annual percentage rate of charge calculated under rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order;”.

The Education (Student Support) (Northern Ireland) Order 1998

21. In article 3(9) of the Education (Student Support) (Northern Ireland) Order 1998(4), for the words from “for the purposes of any exemption” to the end of the subsection, substitute “by article 60G(3)(d) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001”.

The Representation of the People (England and Wales) Regulations 2001

22. In regulation 114 of the Representation of the People (England and Wales) Regulations 2001 (sale of full register to credit reference agencies)(5)—

- (a) in paragraph (1), for “a credit reference agency which is registered under Part III of the Consumer Credit Act 1974 (by virtue of section 147 of that Act)” substitute “a person who has permission under the Financial Services and Markets Act 2000 to furnish persons with information relevant to the financial standing of other persons”;
- (b) after paragraph (5) insert—

(1) [S.I.1991/1091](#). Amended by the Enterprise Act 2002, section 2. There are other amending instruments but none is relevant to this Order.

(2) [S.R. 1998/58](#).

(3) [S.I. 1998/211](#). Amended by [S.I. 2010/1010](#). There are other amending instruments but none is relevant to this Order.

(4) [S.R. 1998/1760](#).

(5) [S.I. 2001/341](#). Amended by [S.I. 2002/1871](#). There are other amending instruments but none is relevant to this Order.

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- “(6) Paragraph (1) 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.”.

The Representation of the People (Scotland) Regulations 2001

23. In regulation 113 of the Representation of the People (Scotland) Regulations 2001 (sale of full register to credit reference agencies)(6)—

- (a) in paragraph (1), for “a credit reference agency registered under Part III of the Consumer Credit Act 1974 (by virtue of section 147 of that Act)” substitute “a person who has permission under the Financial Services and Markets Act 2000 to furnish persons with information relevant to the financial standing of other persons”;
- (b) after paragraph (5) insert—

“(6) Paragraph (1) 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.”.

The Education (Student Support) Regulations (Northern Ireland) 2002

24. In regulation 40 of the Education (Student Support) Regulations (Northern Ireland) 2002 (interest)(7)—

- (a) in paragraph (1) for “the Consumer Credit (Total Charge for Credit) Regulations 1980” substitute “rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order”;
- (b) in paragraph (2), for “for the purposes of any exemption conferred by virtue of section 16(5)(b) of the Consumer Credit Act 1974” substitute “by article 60G(3)(d) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001”.

The High Court Enforcement Officers Regulations 2004

25. In regulation 5 of the High Court Enforcement Officers Regulations 2004 (application procedure)(8)—

- (a) in paragraph (3)(b), for paragraph (ii) substitute—

“(ii) any permission that the applicant has under the Financial Services and Markets Act 2000 which relates to or is connected with a contract of the kind mentioned in paragraph 23 or paragraph 23B of Schedule 2 to that Act (credit agreements and contracts for hire of goods);”;
- (b) after paragraph (6) insert—

“(7) Paragraph (ii) of paragraph (3)(b) must be read with—

 - (a) section 22 of the Financial Services and Markets Act 2000,
 - (b) any relevant order under that section, and

(6) [S.I. 2001/497](#). Amended by [S.I. 2002/1872](#). There are other amending instruments but none is relevant to this Order.

(7) [S.I. 2002/224](#).

(8) [S.I. 2004/400](#).

(c) Schedule 2 to that Act.”.

The Financial Services (Distance Marketing) Regulations 2004

- 26.** In the Financial Services (Distance Marketing) Regulations 2004⁽⁹⁾—
- (a) in regulation 2(1) (interpretation), in the definition of “regulated consumer credit agreement” for “regulated by the 1974 Act” substitute “which is a regulated agreement (within the meaning given by section 189 of the 1974 Act)”;
 - (b) in regulation 11 (exceptions to the right to cancel), for paragraph (1)(h) substitute—
 - “(h) a regulated consumer credit agreement to which the right of withdrawal applies under section 66A of the 1974 Act;”.

The Gender Recognition (Disclosure of Information) (England, Wales and Northern Ireland) (No 2) Order 2005

27. In article 6(3) of the Gender Recognition (Disclosure of Information) (England, Wales and Northern Ireland) (No 2) Order 2005 (credit reference agencies)⁽¹⁰⁾, for “has the meaning given in” substitute “is to be read in accordance with”.

The Gender Recognition (Disclosure of Information) (Scotland) Order 2005

28. In article 6(3) of the Gender Recognition (Disclosure of Information) (Scotland) Order 2005 (credit reference agencies)⁽¹¹⁾, for “has the meaning given in” substitute “is to be read in accordance with”.

The Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006

- 29.** In regulation 11 of the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006 (interest)⁽¹²⁾—
- (a) in paragraph (1) for “the Consumer Credit (Total Charge for Credit) Regulations 2010” substitute “rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order”;
 - (b) in paragraph (2), for “for the purposes of any exemption conferred by virtue of section 16(5)(b) of the Consumer Credit Act 1974” substitute “by article 60G(3)(d) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001”.

The Education (Student Loans) (Scotland) Regulations 2007

- 30.** In regulation 14 of the Education (Student Loans) (Scotland) Regulations 2007 (interest)⁽¹³⁾—
- (a) in paragraph (1) for “the Consumer Credit (Total Charge for Credit) Regulations 2010” substitute “rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order”;

⁽⁹⁾ S.I. 2004/2095. Amended by S.I. 2010/1010. There are other amending instruments but none is relevant to this Order.

⁽¹⁰⁾ S.I. 2005/916.

⁽¹¹⁾ S.S.I. 2005/125.

⁽¹²⁾ S.S.I. 2006/333. Amended by S.S.I. 2009/189 and S.I. 2010/1010.

⁽¹³⁾ S.S.I. 2007/154. Amended by S.S.I. 2009/189 and S.I. 2010/1010.

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- (b) in paragraph (2), for “for the purposes of any exemption conferred by virtue of section 16(5)(b) of the Consumer Credit Act 1974” substitute “by article 60G(3)(d) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001”.

The Money Laundering Regulations 2007

31.—(1) The Money Laundering Regulations 2007(**14**) are amended as follows.

(2) In regulation 2(1) (interpretation), omit the definitions of “the OFT” and “consumer credit financial institution”.

(3) In regulation 17(2) (reliance), omit sub-paragraph (aa).

(4) In regulation 22 (interpretation)—

(a) in paragraph (1)—

(i) in the definition of “Annex 1 financial institution”, omit sub-paragraph (a);

(ii) omit the definition of “consumer credit financial institution”;

(b) omit paragraph (2).

(5) In regulation 23(supervisory authorities)—

(a) in paragraph (1)—

(i) at the end of sub-paragraph (a)(i) insert “but not excluded money service businesses”;

(ii) omit sub-paragraph (b);

(b) after paragraph (4), insert—

“(5) For the purposes of this regulation, a money service business is an “excluded money service business” if it is an authorised person who has permission under the 2000 Act which relates to or is connected with a contract of the kind mentioned in paragraph 23 or paragraph 23B of Schedule 2 to that Act (credit agreements and contracts for hire of goods) but does not have permission to carry on any other kind of regulated activity.

(6) Paragraph (5) must be read with—

(a) section 22 of the 2000 Act,

(b) any relevant order under that section, and

(c) Schedule 2 to that Act.”.

(6) In regulation 32 (power to maintain registers), omit paragraph (3).

(7) In regulation 34 (applications for and cancellation of registration in a register maintained under regulation 32)—

(a) in paragraph (2), in the first place the words appear, and in paragraphs (7) and (8), omit “or the OFT”;

(b) in paragraph (3), omit “and the OFT”;

(c) omit, in each place the words appear, “or the OFT, as the case may be,” and “or the OFT, as the case may be”.

(8) In regulation 35 (costs of supervision)—

(a) in paragraphs (1) and (2), omit “, the OFT”;

(b) in paragraph (5), for “OFT” in each place substitute “Authority”.

(9) In regulation 36 (interpretation)—

(14) [S.I. 2007/2157](#). Amended by [S.I. 2012/2298](#). There are other amending instruments but none is relevant to this Order.

- (a) in the definition of “designated authority”—
 - (i) at the end of paragraph (a), insert “and”;
 - (ii) omit the “and” at the end of paragraph (b) and paragraph (c);
 - (b) in the definition of “officer”—
 - (i) at the end of paragraph (b) insert “or”;
 - (ii) omit paragraph (c);
 - (c) in the definition of “relevant officer”, in paragraph (b), for “OFT” substitute “Authority”.
- (10) In regulation 40(1)(b) (failure to comply with information requirement), for “OFT” substitute “Authority”.
- (11) In regulation 41 (powers of relevant officers), for “OFT” in each place substitute “Authority”.
- (12) In regulation 42 (power to impose civil penalties), in each of paragraphs (6) and (7), omit “, the OFT”.
- (13) In regulation 44 (appeals)—
 - (a) in paragraph (1)(b), omit “, the OFT”;
 - (b) in paragraph (2), omit sub-paragraph (c);
 - (c) omit paragraph (7).
- (14) In regulation 46 (prosecution of offences)—
 - (a) in paragraph (1), omit sub-paragraph (b);
 - (b) omit paragraphs (4) and (5);
 - (c) in paragraph (6), for “OFT” in each place substitute “Authority”.
- (15) In regulation 49(1) (obligations on public authorities), omit sub-paragraph (h).

Transitional provision in relation to the Money Laundering Regulations 2007

32.—(1) This paragraph makes transitional provisions in connection with the amendments made to the Money Laundering Regulations 2007 (“the Regulations”).

(2) Anything done by or in relation to the OFT under regulation 27 (applications for registration) or regulation 34 (applications for and cancellation of registration in a register maintained under regulation 32)(15) is, to the extent necessary for the effective operation of the Regulations, to be treated as having been done by or in relation to the FCA.

(3) Any charges which were, immediately before 1st April 2014, due to the OFT under regulation 35 (costs of supervision) are due to the FCA.

(4) Anything done by or in relation to the OFT under Part 5 of the Regulations (enforcement) is, to the extent necessary for the effective operation of the Regulations, to be treated as having been done by or in relation to the FCA.

The Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007

33. In article 2 of the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007 (list of tribunals)(16), omit the entry beginning “The Office of Fair Trading”.

(15) Amended by S.I. 2012/2298.

(16) S.I. 2007/2951.

The Graduate Endowment (Scotland) Regulations 2008

- 34.** In regulation 11 of the Graduate Endowment (Scotland) Regulations 2008 (interest)(**17**)—
- (a) in paragraph (1) for “the Consumer Credit (Total Charge for Credit) Regulations 2010” substitute “rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order”;
 - (b) in paragraph (2), for “for the purposes of any exemption conferred by virtue of section 16(5)(b) of the Consumer Credit Act 1974” substitute “by article 60G(3)(d) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001”.

The Supply of Information (Register of Deaths) (England and Wales) Order 2008

- 35.** In the Schedule to the Supply of Information (Register of Deaths) (England and Wales) Order 2008(**18**), for paragraph 11 substitute—

“**11.**—(1) A person with permission under the Financial Services and Markets Act 2000 to carry on a regulated activity—

- (a) in relation to or in connection with a contract of the kind mentioned in paragraph 23 or paragraph 23B of Schedule 2 to that Act (credit agreements and contracts for hire of goods)(**19**), or
 - (b) of the kind mentioned in paragraph 24B (providing credit reference services) or 24C (providing credit information services) of that Schedule(**20**).
- (2) Sub-paragraph (1) 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.”.

The Supply of Information (Register of Deaths) (Northern Ireland) Order 2008

- 36.** In the Schedule to the Supply of Information (Register of Deaths) (Northern Ireland) Order 2008(**21**), for paragraph 12 substitute—

“**12.**—(1) A person with permission under the Financial Services and Markets Act 2000 to carry on a regulated activity—

- (a) in relation to or in connection with a contract of the kind mentioned in paragraph 23 or paragraph 23B of Schedule 2 to that Act (credit agreements and contracts for hire of goods), or
 - (b) of the kind mentioned in paragraph 24B (providing credit reference services) or 24C (providing credit information services).
- (2) Sub-paragraph (1) 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.”.

(17) [S.S.I. 2008/235](#). Amended by [S.I. 2010/1010](#).

(18) [S.I. 2008/570](#).

(19) Paragraph 23 was substituted and paragraph 23B was inserted by the Financial Services Act 2012, section 7.

(20) Paragraphs 24B and 24C were inserted by the Financial Services Act 2012, section 7.

(21) [S.I. 2008/700](#).

The Representation of the People (Northern Ireland) Regulations 2008

37. In regulation 112 of the Representation of the People (Northern Ireland) Regulations 2008 (sale of full register etc. to credit reference agencies)(**22**)—

- (a) in paragraph (1), for “a credit reference agency registered under Part III of the Consumer Credit Act 1974” substitute “a person who has permission under the Financial Services and Markets Act 2000 to furnish persons with information relevant to the financial standing of other persons”;
- (b) after paragraph (4) insert—
 - “(5) Paragraph (1) 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.”.

The Cancellation of Contracts made in a Consumer’s Home or Place of Work etc. Regulations 2008

38. In the Cancellation of Contracts made in a Consumer’s Home or Place of Work etc. Regulations 2008(**23**)—

- (a) in regulation 2(1), after the definition of “related credit agreement” insert—
 - ““regulated agreement” has the meaning given by section 189 of the 1974 Act;”;
- (b) in regulation 6—
 - (i) in paragraph (1)(ca)—
 - (aa) for “regulated under the 1974 Act”, substitute “which is a regulated agreement”;
 - (bb) for “that Act” substitute “the 1974 Act”;
 - (cc) for paragraph (2)(d)(ii) and (iii) substitute—
 - “(ii) a consumer credit agreement secured on land which is—
 - (aa) a regulated agreement;
 - (bb) an exempt agreement (within the meaning given by article 60B of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001); or
 - (iii) any other regulated agreement.”.

The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009

39. In regulation 16 of the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (interest rate on the loans)(**24**)—

- (a) in paragraph (1) for “the Consumer Credit (Total Charge for Credit) Regulations 1980” substitute “rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order”;

(22) [S.I. 2008/1741](#).

(23) [S.I. 2008/1816](#). Amended by [S.I. 2010/1010](#).

(24) [S.R. 2009/128](#).

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- (b) in paragraph (2), for “for the purposes of any exemption conferred by virtue of section 16(5)(b) of the Consumer Credit Act 1974” substitute “by article 60G(3)(d) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001”.

The Payment Services Regulations 2009

40. In the Payment Services Regulations 2009(25)—

- (a) omit regulation 26 (carrying on of Consumer Credit Act business by EEA authorised payment institutions);
- (b) in regulation 52 (disapplication of certain regulations in the case of consumer credit agreements), omit paragraph (a).

The Education (Student Loans) (Repayment) Regulations 2009

41.—(1) The Education (Student Loans) (Repayment) Regulations 2009(26) are amended as follows.

(2) In regulation 21 (interest rate on the loans)(27)—

- (a) in paragraph (1) for “the Consumer Credit (Total Charge for Credit) Regulations 2010” substitute “rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order”;
- (b) in paragraph (2), for “for the purposes of any exemption conferred by virtue of section 16(5)(b) of the Consumer Credit Act 1974” substitute “by article 60G(3)(d) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001”.

(3) In regulation 21A (interest rate on post-2012 student loans)(28)—

- (a) for “the Consumer Credit (Total Charge for Credit) Regulations 2010” in each place substitute “total charge for credit rules”;
- (b) after paragraph (14) insert—

“(15) In this regulation, “total charge for credit rules” means rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order.”.

The Electronic Money Regulations 2011

42. In the Electronic Money Regulations 2011(29), omit regulation 31 (carrying on of Consumer Credit Act business by an authorised electronic money institution).

The Debt Arrangement Scheme (Scotland) Regulations 2011

43. In Schedule 4 to the Debt Arrangement Scheme (Scotland) Regulations 2011 (payment distributors)(30)—

- (a) for paragraph 1 substitute—

(25) S.I. 2009/209.

(26) S.I. 2009/470.

(27) Amended by S.I. 2010/1010 and S.I. 2012/1309.

(28) Inserted by S.I. 2012/1309. Amended by S.I. 2013/607.

(29) S.I. 2011/99.

(30) S.S.I.2011/141.

“1.—(1) A person with permission under the Financial Services and Markets Act 2000 to carry on a regulated activity—

- (a) in relation to or in connection with a contract of the kind mentioned in paragraph 23 or paragraph 23B of Schedule 2 to that Act (credit agreements and contracts for hire of goods), or
- (b) of the kind mentioned in paragraph 24B (providing credit reference services) or 24C (providing credit information services) of that Schedule.

(2) Sub-paragraph (1) 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.”;

(b) for paragraph 5, substitute—

“5. Make and maintain appropriate arrangements to ensure compliance with rules made by the Financial Conduct Authority and to ensure that appropriate regard is had to guidance issued by the Financial Conduct Authority.”.

The Green Deal Framework (Disclosure, Acknowledgement, Redress etc.) Regulations 2012

44. In the Green Deal Framework (Disclosure, Acknowledgement, Redress etc.) Regulations 2012(31)—

(a) in regulation 2 (interpretation – general)—

(i) in paragraph (1)—

- (aa) omit the definition of “consumer credit licence”;
- (bb) insert at the appropriate place—

““consumer credit permission” means permission under the Financial Services and Markets Act 2000 to carry on a regulated activity in relation to or in connection with a contract of the kind mentioned in paragraph 23 of Schedule 2 to that Act (credit agreements);”;

(ii) after paragraph (1) insert—

“(1A) The definition of “consumer credit permission” 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.”;

(b) in regulation 25 (notifications concerning consumer credit), for paragraphs (a) and (b) substitute—

“(a) it ceases to hold a consumer credit permission, or

(b) it becomes a person who, by virtue of section 19 of the Financial Services and Markets Act 2000, is required to have a consumer credit permission.”;

(c) in regulation 52(3)(a) (no sanctions without receipt of complaints or information), for “Office of Fair Trading” substitute “Financial Conduct Authority”;

(d) in paragraph 24 of Schedule 1 (registers), for sub-paragraphs (a) and (b) substitute—

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- “(a) whether the person has a consumer credit permission and the activities for which he has permission, or
- (b) where the person is not required to have a consumer credit permission, an entry on the register to that effect.”.

The Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013

45. In paragraph 11 of Schedule 6 to the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (deductions from benefit and direct payment to third parties)**(32)**—

- (a) in sub-paragraph (8), in the definition of “eligible lender”, for “is licensed under the Consumer Credit Act 1974” substitute “has permission under the Financial Services and Markets Act 2000 to enter into a contract of the kind mentioned in paragraph 23 or paragraph 23B of Schedule 2 to that Act (credit agreements and contracts for hire of goods);”;
- (b) after sub-paragraph (8) insert—
 - “(9) The definition of “eligible lender” 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.”.

(32) S.I. 2013/380.