

**2013 No. 472**

**FINANCIAL SERVICES AND MARKETS**

**The Financial Services Act 2012 (Consequential Amendments  
and Transitional Provisions) Order 2013**

<i>Made</i> - - - -	<i>7th March 2013</i>
<i>Laid before Parliament</i>	<i>8th March 2013</i>
<i>Coming into force</i> - -	<i>1st April 2013</i>

The Treasury in exercise of the powers conferred by sections 115(2), 118 and 119(3) of the Financial Services Act 2012(a), makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Financial Services Act 2012 (Consequential Amendments and Transitional Provisions) Order 2013 and comes into force on 1st April 2013.

(2) In this Order—

“the Act” means the Financial Services Act 2012;

“subordinate legislation” has the meaning given by the Interpretation Act 1978(b).

**Revocations**

2. The subordinate legislation specified in the first column of the table in Schedule 1 is, to the extent specified in the second column of that table, revoked.

**Amendments of subordinate legislation and related transitional provision**

3. Schedule 2 (which contains amendments to subordinate legislation in consequence of any provision made by or under the Act and related transitional provisions) has effect.

**Amendment of subordinate legislation (references to Part IV of the Financial Services and Markets Act 2000)**

4. In subordinate legislation for references to Part IV of the Financial Services and Markets Act 2000(c) (however expressed) substitute references to Part 4A of that Act.

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(a) 2012 c.21.

(b) 1978 c.30. See section 21.

(c) 2000 c.8.

**Amendments of subordinate legislation (references to Part X of the Financial Services and Markets Act 2000)**

5. In subordinate legislation for references to Part X of the Financial Services and Markets Act 2000 (however expressed) substitute references to Part 9A of that Act.

**Amendments of subordinate legislation (references to the UK Listing Authority or the Competent Authority for Listing)**

6.—(1) In subordinate legislation for references to the UK Listing Authority (however expressed) substitute references to the Financial Conduct Authority.

(2) In subordinate legislation for references to the Competent Authority for Listing in the UK (however expressed) substitute references to the Financial Conduct Authority.

*Stephen Crabb  
David Evennett*

7th March 2013

Two of the Lords Commissioners of Her Majesty's Treasury

**SCHEDULE 1**

Article 2

**Revocations**

<i>Enactment</i>	<i>Extent of revocation</i>
The Financial Services and Markets Act 2000 (Misleading Statements and Practices) Order 2001(a)	The whole instrument
The Electronic Commerce Directive (Financial Services and Markets) Regulations 2002	Regulation 5
The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2002(b)	The whole instrument
The Financial Services and Markets Act 2000 (Misleading Statements and Practices) (Amendment) Order 2003(c)	The whole instrument
The Transfer of Tribunal Functions Order 2010(d)	Paragraph 146(c) of Schedule 3

**SCHEDULE 2**

Article 3

**Amendments of subordinate legislation**

**The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

1.—(1) The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(e) is amended as follows.

(2) In article 2(1)—

(a) omit the definition of “the competent authority for listing”;

(a) S.I. 2001/3645.

(b) S.I. 2002/2707.

(c) S.I. 2003/1474.

(d) S.I. 2010/22.

(e) S.I. 1975/1023, amended by S.I. 1986/2268, 2001/1149, 2001/3816, 2002/441, 2003/231, 2007/2149, 2008/3259, 2011/99 and 2011/1800; there are other amending instruments but none are relevant.

- (b) at the appropriate place in each case insert—
- “the FCA” means the Financial Conduct Authority;
- “the PRA” means the Prudential Regulation Authority;”;
- (c) for the definition of “key worker” substitute—
- ““key worker” means—
- (a) any individual who is likely, in the course of exercising the duties of that individual’s office or employment, to play a significant role in the decision making process of the FCA, the PRA or the Bank of England in relation to the exercise of its public functions (within the meaning of section 349(5) of the 2000 Act(a)); or
- (b) (i) any individual who is likely, in the course of exercising the duties of that individual’s office or employment, to support directly an individual mentioned in paragraph (a);”;
- (d) for the definition of “Part IV permission” substitute—
- ““Part 4A permission” has the meaning given by section 55A(5) of the 2000 Act(b);”.
- (3) In article 3—
- (a) in paragraph (b) for “or the Financial Services Authority” substitute “the FCA or the PRA”;
- (b) in paragraph (g) for the table substitute the following table—

	<i>“Status</i>	<i>Questioner</i>
1	A person with Part 4A permission.	The FCA, the PRA or the Bank of England.
2	(a) A person in relation to whom an approval is given under section 59 of the 2000 Act(c) (approval for particular arrangements).	The FCA, the PRA or the authorised person (within the meaning of section 31(2) of the 2000 Act(d)) or the applicant for Part 4A permission who made the application for the approval of the appropriate regulator (within the meaning of section 59(4) of the 2000 Act) under section 59 of the 2000 Act in relation to the person mentioned in sub-paragraph (a) of the first column.
	(b) An associate of the person (whether or not an individual) mentioned in sub-paragraph (a).	
3	(a) The manager or trustee of an authorised unit trust scheme (within the meaning of section 237 of the 2000 Act(e)).	The FCA or the unit trust scheme mentioned in the first column.
	(b) An associate of the person (whether or not an individual) mentioned in sub-paragraph (a).	
4	(a) A director of an open-ended investment company.	The FCA, the PRA or the open-ended investment company mentioned in the first column.
	(b) An associate of that person (whether or not an individual) mentioned in sub-paragraph (a).	
5.	An associate of the operator or trustee of a relevant collective investment scheme.	The FCA, the PRA or the collective investment scheme mentioned in the first column.
6.	An associate of a UK recognised investment exchange or UK recognised	The FCA, the PRA, the Bank of England or the investment exchange or clearing house

(a) Section 349(5) was amended by S.I. 2011/1043.

(b) Part 4A of FSMA 2000, including section 55A, was substituted by section 11(2) of the Financial Services Act 2012 (c. 21).

(c) Section 59 was amended by section 14 of the Financial Services Act 2012.

(d) Section 31 was amended by section 11 of the Financial Services Act 2012.

(e) Section 237 was amended by S.I. 2011/1613 and by paragraph 9 of Schedule 18 to the Financial Services Act 2012.

	clearing house.	mentioned in the first column.
7.	A controller of a person with Part 4A permission.	The FCA, the PRA or the person with Part 4A permission mentioned in the first column.
8.	(a) A person who carries on a regulated activity (within the meaning of section 22 of the 2000 Act <sup>(a)</sup> ) but to whom the general prohibition does not apply by virtue of section 327 of the 2000 Act (exemption from the general prohibition for members of a designated professional body).	The FCA or the PRA.
	(b) An associate of the person (whether or not an individual) mentioned in sub-paragraph (a).	In the case of a person mentioned in sub-paragraph (b) of the first column, the person mentioned in sub-paragraph (a) of that column.
9.	A key worker of the FCA, the PRA or the Bank of England.	The FCA, the PRA or the Bank of England.
10.	An ombudsman (within the meaning of Schedule 17 to the 2000 Act) of the Financial Ombudsman Service.	The scheme operator (within the meaning of section 225 of the 2000 Act) of the Financial Ombudsman Service.
11.	An associate of the issuer of securities which have been admitted to the official list maintained by the FCA for listing under section 74 of the 2000 Act <sup>(b)</sup> .	The FCA.
12.	A sponsor (within the meaning of section 88(2) of the 2000 Act <sup>(c)</sup> ).	The FCA.
13.	(a) A Primary information provider (within the meaning of section 89P of the 2000 Act <sup>(d)</sup> ).	The FCA or the PRA.
	(b) An associate of the person (whether or not an individual) mentioned in sub-paragraph (a).	In the case of a person mentioned in sub-paragraph (2) of the first column, the person mentioned in sub-paragraph (1) of that column.
14.	An associate of a person who has a Part 4A permission and who is admitted to Lloyd's as an underwriting agent (within the meaning of section 2 of Lloyd's Act 1982).	(a) The Council of Lloyd's. (b) The person with Part 4A permission specified in the first column (or a person applying for such permission).
15.	An associate of the Council of Lloyd's.	The Council of Lloyd's.
16.	(a) A member of a UK recognised investment exchange or UK recognised clearing house.	The UK recognised investment exchange or UK recognised clearing house specified in the first column.
	(b) An associate of the person (whether or not an individual) mentioned in sub-paragraph (a).	In the case of a person mentioned in sub-paragraph (b) of the first column, the person mentioned in sub-paragraph (a) of that column.
17.	A director or person responsible for the management of the electronic money or payment services business of an electronic money institution.	The FCA.
18.	A controller of an electronic money	The FCA.

(a) Section 22 was amended by section 7 of the Financial Services Act 2012.

(b) Section 74 was amended by S.I. 2005/381 and 2005/1433 and by section 16 of the Financial Services Act 2012.

(c) Section 88(2) was amended by section 16(1), (2)(a) and (3)(f) of the Financial Services Act 2012.

(d) Section 89P was inserted by section 19 of the Financial Services Act 2012.

	institution.	
19	A director or a person responsible for the management of an authorised payment institution or a small payment institution.	The FCA.
20	A person responsible for the management of payment services provided, or to be provided, by an authorised payment institution or a small payment institution.	The FCA.
21	A controller of an authorised payment institution or a small payment institution.	The FCA. ”

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(4) In article 4 —

(a) in paragraph (d) —

- (i) for “any decision by the Financial Services Authority” substitute “any decision by the FCA, the PRA or the Bank of England”;
- (ii) in sub-paragraph (i) for “Part IV permission” substitute “Part 4A permission”;
- (iii) in sub-paragraph (ii) for “section 43” substitute “section 55L, 55M or 55O(a)”;
- (iv) in sub-paragraph (iv) omit “the Authority’s”;
- (v) in sub-paragraph (x) after “section 296” insert “or 296A(b)”;
- (vi) in sub-paragraph (xii) for “the Authority” substitute “the FCA or the PRA”;
- (vii) at the end of sub-paragraph (xv) omit “or”;
- (viii) after sub-paragraph (xvi) insert—
  - “(xvii) in a case requiring any decision referred to in paragraphs (i) to (xvi), where the FCA, the PRA or the Bank of England has the function of deciding whether to give consent or conditional consent in relation to the decision which is proposed in that case, to give or refuse to give consent or to give conditional consent, or
  - (xviii) in a case requiring any decision referred to in paragraphs (i) to (xvi), where the FCA, the PRA or the Bank of England has the power under the 2000 Act to direct another regulator as to the decision to be taken in that case, to decide whether to give a direction and, if a direction is to be given, what direction to give.”;

(b) in paragraph (f) —

- (i) for “any decision of the competent authority for listing” substitute “any decision of the FCA”;
- (ii) at the end of sub-paragraph (ii) omit “or”;
- (iii) in sub-paragraph (iii) for “the competent authority for listing,” substitute “the FCA in relation to the exercise of its functions under Part 6 of the 2000 Act, or”;
- (iv) after sub-paragraph (iii) insert—
  - “(iv) to refuse to grant a person’s application under information provider rules (within the meaning of section 89P(9) of the 2000 Act) for approval as a Primary information provider, to impose limitations or other restrictions on the giving of information to which such an approval relates or to cancel such an approval.”;

(c) in paragraph (g) for “the Authority” substitute “the FCA or the PRA”;

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(a) Section 43 was repealed and sections 55L, 55M and 55O were added by section 11 of the Financial Services Act 2012.  
(b) Section 296A was inserted by section 31 of the Financial Services Act 2012.

- (d) in paragraph (i) for “Part IV permission” substitute “Part 4A permission”.

**The Consumer Credit Licensing (Representations) Order 1976**

**2. In the Consumer Credit Licensing (Representations) Order 1976(a)—**

- (a) in article 1(2) (interpretation)—
  - (i) in the definition of “the person affected” after “section” insert “32A(2)(e) or (3)(e) or”;
  - (ii) in the definition of “oral representations” after “section 34” insert “or 34ZA”;
- (b) in article 3 (notice of hearing), after “section 34(1)” insert “or 34ZA(1)”;
- (c) in article 6(1) (notice of Director’s determination), after “section 34(3)” insert “or 34ZA(3)”.

**The Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979**

**3.—(1)** The Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979(b) is amended as follows.

**(2) In Article 1(2)—**

- (a) omit the definition of “the competent authority for listing”;
- (b) at the appropriate place in each case insert—
  - ““the FCA” means the Financial Conduct Authority;
  - “the PRA” means the Prudential Regulation Authority;”;
- (c) for the definition of “key worker” substitute—
  - ““key worker” means—
    - (a) any individual who is likely, in the course of exercising the duties of that individual’s office or employment, to play a significant role in the decision making process of the FCA, the PRA or the Bank of England in relation to the exercise of its public functions (within the meaning of section 349(5) of the 2000 Act(c)); or
    - (b) any individual who is likely, in the course of exercising the duties of that individual’s office or employment, to support directly an individual mentioned in paragraph (a);”;
- (d) for the definition of “Part IV permission” substitute—
  - ““Part 4A permission” has the meaning given by section 55A(5) of the 2000 Act(d);”.

**(3) In Article 2—**

- (a) in paragraph (b) for “the Financial Services Authority” substitute “the FCA, the PRA”;
- (b) in paragraph (e) for the table substitute the following table—

<i>“Status</i>	<i>Questioner</i>
1 A person with Part 4A permission.	The FCA, the PRA or the Bank of England.
2 (a) A person in relation to whom an approval is given under section 59 of the 2000 Act(e) (approval for particular arrangements).	The FCA, the PRA or the authorised person (within the meaning of section 31(2) of the 2000 Act(a)) or the applicant for Part 4A permission who made the application for the approval of the appropriate regulator (within the meaning of
(b) An associate of the person	

(a) S.I. 1976/191.  
 (b) S.R. 1979 No. 195 as amended by S.R. 1987 No. 393, 2001 No. 248, 2001 No. 400, 2003 No. 355, 2006 No. 421, 2009 No. 173 and 2009 No. 303.  
 (c) Section 349(5) was amended by S.I. 2011/1043.  
 (d) Part 4A of FSMA 2000, including section 55A, was substituted by section 11(2) of the Financial Services Act 2012 (c. 21).  
 (e) Section 59 was amended by section 14 of the Financial Services Act 2012.

	(whether or not an individual) mentioned in sub-paragraph (a).	section 59(4) of the 2000 Act) under section 59 of the 2000 Act in relation to the person mentioned in sub-paragraph (a) of the first column.
3	(a) The manager or trustee of an authorised unit trust scheme (within the meaning of section 237 of the 2000 Act <b>(b)</b> ). (b) An associate of the person (whether or not an individual) mentioned in sub-paragraph (a).	The FCA or the unit trust scheme mentioned in the first column.
4	(a) A director of an open-ended investment company. (b) An associate of that person (whether or not an individual) mentioned in sub-paragraph (a).	The FCA or the PRA or the open-ended investment company mentioned in the first column.
5.	An associate of the operator or trustee of a relevant collective investment scheme.	The FCA, the PRA or the collective investment scheme mentioned in the first column.
6.	An associate of a UK recognised investment exchange or UK recognised clearing house.	The FCA, the PRA, the Bank of England or the investment exchange or clearing house mentioned in the first column.
7.	A controller of a person with Part 4A permission.	The FCA, the PRA or the person with Part 4A permission mentioned in the first column.
8.	(a) A person who carries on a regulated activity within the meaning of section 22 of the 2000 Act <b>(c)</b> but to whom the general prohibition does not apply by virtue of section 327 of the 2000 Act (exemption from the general prohibition for members of a designated professional body). (b) An associate of the person (whether or not an individual) mentioned in sub-paragraph (a).	The FCA or the PRA.  In the case of a person mentioned in sub-paragraph (b) of the first column, the person mentioned in sub-paragraph (a) of that column.
9.	A key worker of the FCA, the PRA or the Bank of England.	The FCA, the PRA or the Bank of England.
10.	An ombudsman (within the meaning of Schedule 17 to the 2000 Act) of the Financial Ombudsman Service.	The scheme operator (within the meaning of section 225 of the 2000 Act) of the Financial Ombudsman Service.
11.	An associate of the issuer of securities which have been admitted to the official list maintained by the FCA for listing under section 74 of the 2000 Act <b>(d)</b> .	The FCA.
12.	A sponsor (within the meaning of section 88(2) of the 2000 Act <b>(e)</b> ).	The FCA.
13.	(a) A Primary information provider	The FCA or the PRA.

(a) Section 31 was amended by section 11 of the Financial Services Act 2012.

(b) Section 237 was amended by S.I. 2011/1613 and by paragraph 9 of Schedule 18 to the Financial Services Act 2012.

(c) Section 22 was amended by section 7 of the Financial Services Act 2012.

(d) Section 74 was amended by S.I. 2005/381 and 2005/1433 and by section 16 of the Financial Services Act 2012.

(e) Section 88(2) was amended by section 16(1), (2)(a) and (3)(f) of the Financial Services Act 2012.

- (within the meaning of section 89P of the 2000 Act(a)).
- (b) An associate of the person (whether or not an individual) mentioned in sub-paragraph (a).
14. An associate of a person who has a Part 4A permission and who is admitted to Lloyd's as an underwriting agent (within the meaning of section 2 of Lloyd's Act 1982).
15. An associate of the Council of Lloyd's.
16. (a) A member of a UK recognised investment exchange or UK recognised clearing house.  
 (b) An associate of the person (whether or not an individual) mentioned in sub-paragraph (a).
- In the case of a person mentioned in sub-paragraph (2) of the first column, the person mentioned in sub-paragraph (1) of that column.  
 (a) The Council of Lloyd's.  
 (b) The person with Part 4A permission specified in the first column (or a person applying for such permission).
- The Council of Lloyd's.  
 The UK recognised investment exchange or UK recognised clearing house specified in the first column.  
 In the case of a person mentioned in sub-paragraph (b) of the first column, the person mentioned in sub-paragraph (a) of that column."

(4) In Article 3 —

(a) in paragraph (d) —

- (i) for “any decision by the Financial Services Authority” substitute “any decision by the FCA, the PRA or the Bank of England”;
- (ii) in sub-paragraph (i) for “Part IV permission” substitute “Part 4A permission”;
- (iii) in sub-paragraph (ii) for “section 43” substitute “section 55L, 55M or 55O(b)”;
- (iv) in sub-paragraph (iv) omit “the Authority’s”;
- (v) in sub-paragraph (x) after “section 296” insert “or 296A(c)”;
- (vi) at the end of sub-paragraph (xi) omit “or”;
- (vii) in sub-paragraph (xii) for “the Authority,” substitute “the FCA or the PRA,”;
- (viii) after sub-paragraph (xii) insert—
- “(xiii) in a case requiring any decision referred to in paragraphs (i) to (xii), where the FCA, the PRA or the Bank of England has the function of deciding whether to give consent or conditional consent in relation to the decision which is proposed in that case, to give or refuse to give consent or to give conditional consent, or
- (xiv) in a case requiring any decision referred to in paragraphs (i) to (xii), where the FCA, the PRA or the Bank of England has the power under the 2000 Act to direct another regulator as to the decision to be taken in that case, to decide whether to give a direction and, if a direction is to be given, what direction to give,”;

(b) in paragraph (f)—

- (i) for “any decision of the competent authority for listing” substitute “any decision of the FCA”;
- (ii) at the end of sub-paragraph (ii) omit “or”;
- (iii) in sub-paragraph (iii) for “competent authority for listing” substitute “the FCA in relation to the exercise of its functions under Part 6 of the 2000 Act, or”;
- (iv) after sub-paragraph (iii) insert—

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(a) Section 89P was inserted by section 19 of the Financial Services Act 2012.

(b) Section 43 was repealed and sections 55L, 55M and 55O were added by section 11 of the Financial Services Act 2012.

(c) Section 296A was inserted by section 31 of the Financial Services Act 2012.



- “(iv) to refuse to grant a person’s application under information provider rules (within the meaning of section 89P(9) of the 2000 Act) for approval as a Primary information provider, to impose limitations or other restrictions on the giving of information to which such an approval relates or to cancel such an approval.”;
- (c) in paragraph (g) for “the authority” substitute “the FCA or the PRA”;
- (d) in paragraph (i) for “Part IV permission” substitute “Part 4A permission”.

**The Stamp Duty Reserve Tax Regulations 1986**

- 4.** In the Stamp Duty Reserve Tax Regulations 1986(a)—
- (a) in regulation 2 (interpretation), in the definition of “accountable date”, for “Financial Services Authority” in each place it appears, substitute “Financial Conduct Authority”;
  - (b) in regulation 4A(1)(a)(ii) (notice of charge and payment), for “Financial Services Authority”, substitute “Financial Conduct Authority”.

**The Insolvency Rules 1986**

- 5.—**(1) The Insolvency Rules 1986(b) are amended as follows.
- (2) In rule 0.2(1) (construction and interpretation), insert in the appropriate places—
- ““the FCA” means the Financial Conduct Authority;
  - “the PRA” means the Prudential Regulation Authority;”.
- (3) In rule 4.1(1)(b) (voluntary winding up; winding up by the court) for “Financial Services Authority” substitute “FCA, the PRA”.
- (4) In rule 4.7(4)(e) (presentation and filing of petition), for “Financial Services Authority, one copy to be sent to the Authority” substitute “the FCA or the PRA, one copy to be sent to each of the FCA and the PRA”.
- (5) In rule 4.10(4) (other persons to receive copies of petition), for “Financial Services Authority. This does not apply if the petitioner is the Financial Services Authority itself.” substitute “the FCA and the PRA. This does not apply to the extent the petitioner is the FCA or the PRA.”.
- (6) In rule 4.72 (additional provisions as regards certain meetings)—
- (a) in paragraph (2), for “Financial Services Authority” substitute “FCA, the PRA”;
  - (b) in paragraphs (3), (4), (5) and (6) for “Authority” in each place substitute “FCA, the PRA”.
- (7) In rule 4.152(7) (membership of committee) for “Financial Services Authority” substitute “FCA or the PRA”.

**The Personal Pension Schemes (Disclosure of Information) Regulations 1987**

- 6.** In the Personal Pension Schemes (Disclosure of Information) Regulations 1987(c)—
- (a) in regulation 6(5) (availability of other information), for “Chapter 10 (reports and accounts) of the Collective Investment Schemes Sourcebook made by the Financial Services Authority under Part X of the Financial Services and Markets Act 2000” substitute “section 4.5 (reports and accounts) of the Collective Investment Schemes

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(a) S.I. 1986/1711, amended by S.I. 1997/2430, S.I. 1999/3264 and S.I. 2001/3629.  
 (b) S.I. 1986/1925, amended by S.I. 1987/1919, 1998/1129, 1999/1022 and 2001/3649. There are other amendments not relevant to this Order.  
 (c) S.I. 1987/1110, amended by S.I. 1992/1531, S.I. 2002/1555 and S.I. 2007/814.

Sourcebook made by the Financial Conduct Authority under Part 9A(a) of the Financial Services and Markets Act 2000”;

- (b) in paragraph 4 of Schedule 3 (other information), for “by section 10.3 (contents of annual and half-yearly reports) of the Collective Investment Schemes Sourcebook made by the Financial Services Authority under Part X of the Financial Services and Markets Act 2000” substitute “by section 4.5.7 (contents of the annual long report) and 4.5.8 (contents of the half-yearly long report) of the Collective Investment Schemes Sourcebook made by the Financial Conduct Authority under Part 9A of the Financial Services and Markets Act 2000”.

### **The Insolvency (Northern Ireland) Order 1989**

#### **7. In the Insolvency (Northern Ireland) Order 1989(b)—**

- (a) in article 17A(5) (approval of arrangement)(c), for “Financial Services Authority” substitute “Financial Conduct Authority and, where the regulated company is a PRA-  
authorised person (within the meaning of the Financial Services and Markets Act 2000), the Prudential Regulation Authority”;
- (b) in article 366 (formerly authorised banks)(d), for “Financial Services Authority” substitute “Financial Conduct Authority and the Prudential Regulation Authority”;
- (c) in paragraph 54 of Schedule A1 (functions of the Financial Services Authority)(e)—
- (i) in the heading, for “the Financial Services Authority” substitute “the Financial  
Conduct Authority and the Prudential Regulation Authority”;
- (ii) in each of sub-paragraphs (2), (3), (4), (6), (8), (10), (11), (13) and (15), for  
“Authority” substitute “Financial Conduct Authority and, if the regulated company is  
a PRA-regulated company, the Prudential Regulation Authority”;
- (iii) in each of sub-paragraphs (9) and (17), for “Authority” substitute “Financial Conduct  
Authority or, if the regulated company is a PRA-regulated company, the Prudential  
Regulation Authority”;
- (iv) in each of sub-paragraphs (5), (7), (12), (14) and (16)—
- (aa) for “Financial Services Authority” in the first place those words appear  
substitute “Financial Conduct Authority or, if the regulated company is a  
PRA-regulated company, the Prudential Regulation Authority”;
- (bb) for “Financial Services Authority” in the second place those words appear,  
substitute “Financial Conduct Authority and, if the regulated company is a  
PRA-regulated company, the Prudential Regulation Authority”;
- (v) in sub-paragraph (18)—
- (aa) for the definition of “the Authority” and the “and” following it substitute—  
““PRA-  
authorised” person has the meaning given by the Financial Services and  
Markets Act 2000;  
“PRA-regulated activity” has the meaning given by the Financial Services and Markets  
Act 2000;  
“PRA-regulated company” means a regulated company which—
- (a) is, or has been, a PRA-  
authorised person,
- (b) is, or has been, an appointed representative within the meaning given by section 39  
of the Financial Services and Markets Act 2000, whose principal (or one of whose  
principals) is, or was, a PRA-  
authorised person, or

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(a) Part 9A of the Financial Services and Markets Act 2000 was inserted by section 24(1) of the Financial Services Act 2012.

(b) S.I. 1989/2405 (NI 19).

(c) Inserted by S.I. 2002/3152 (N.I. 6).

(d) Substituted by S.I. 2005/1455 (N.I. 10).

(e) Inserted by S.I. 2002/3152 (N.I. 6).

- (c) is carrying on, or has carried on, a PRA-regulated activity in contravention of the general prohibition within the meaning of section 19 of that Act;”;
- (bb) after the definition of “regulated company” insert—  
 ““regulator” means the Financial Conduct Authority or the Prudential Regulation Authority.”;
- (cc) after sub-paragraph (18) insert—  
 “(19) If either regulator makes an application to the court under any of the provisions mentioned in this article in relation to a PRA-regulated company, the other regulator is entitled to be heard on the application.”;
- (d) in paragraphs 41(2)(c), 43(4)(c) and 83(1)(c) of Schedule B1 (administration)(a) for “Financial Services Authority” in each place it appears substitute “Financial Conduct Authority or the Prudential Regulation Authority”.

### **The Insolvency Rules (Northern Ireland) 1991**

- 8.** The Insolvency Rules (Northern Ireland) 1991(b) are amended as follows—
- (a) in rule 0.2 (interpretation), insert in the appropriate places—  
 ““the FCA” means the Financial Conduct Authority;  
 “the PRA” means the Prudential Regulation Authority;”;
  - (b) in rule 4.001 (voluntary winding up; winding up by the court), for “Financial Services Authority” substitute “FCA, the PRA”;
  - (c) in rule 4.007(4)(f) (presentation and filing of petition), for “Financial Services Authority, one copy to be sent to the Authority” substitute “FCA or the PRA, one copy to be sent to each of the FCA and the PRA”;
  - (d) in rule 4.010 (other persons to receive copies of petition)—  
    - (i) in paragraph (4) for “Financial Services Authority” substitute “FCA and the PRA”;
    - (ii) for paragraph (5) substitute—  
 “(5) Paragraph (4) does not apply to the extent the petitioner is the FCA or the PRA.”;
  - (e) in rule 4.078 (additional provisions as regards certain meetings)—  
    - (i) in paragraph (2), for “Financial Services Authority” substitute “FCA, the PRA”;
    - (ii) in paragraphs (3), (4), (5) and (6) for “Authority” in each place substitute “FCA, the PRA”.
  - (f) in rule 4.160(7) (membership of committee) for “Financial Services Authority” substitute “FCA or PRA”.

### **The Financial Markets and Insolvency Regulations 1991**

**9.** In regulation 16 of the Financial Markets and Insolvency Regulations 1991(c) (circumstances in which member or designated non-member dealing as principal to be treated as acting in different capacities) for paragraph (1D) substitute—

“(1D) In paragraph (1), “rules relating to clients’ money” are rules made by the Financial Conduct Authority under sections 137A and 137B of the Financial Services and Markets Act 2000(d).”.

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(a) Inserted by S.I. 2005/1455 (N.I. 10).  
 (b) S.R. 1991/364; amended by S.R. 2000/247.  
 (c) S.I. 1991/880; regulation 16(1D) was inserted by S.I. 2009/853.  
 (d) Sections 137A and 137B were inserted by section 24 of the Financial Services Act 2012.

## **The Act of Sederunt (Rules of the Court of Session 1994) 1994**

**10.** In Schedule 2 to the Act of Sederunt (Rules of the Court of Session 1994) 1994(a) (the rules of the Court of Session 1994)—

- (a) in paragraphs 62.90(3) and 62.91(3)(i), for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (b) in paragraph 74.36(1)(a)(iii), for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (c) after paragraph 74.36(1)(a)(iii) insert—
  - “(iiiia) the Prudential Regulation Authority, if it is not the petitioner;”;
- (d) in paragraphs 74.36(1)(a)(vii) and 74.45(2)(f), for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (e) in paragraph 74.46(2), for paragraph (b) substitute—
  - “(b) the Financial Conduct Authority;
  - (ba) the Prudential Regulation Authority;”;
- (f) in paragraph 74.54(2)(k), for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”.

## **The Insolvent Partnerships Order 1994**

**11.** In the Insolvent Partnerships Order 1994(b)—

- (a) in Part 1 of Schedule 1, in modified section 4A of the Insolvency Act 1986 (approval of arrangement)—
  - (i) for subsection (5) substitute—

“(5) Where a member of an insolvent partnership which is regulated applies to the court under subsection (3), the appropriate regulator is entitled to be heard on the application.
  - (5A) “The appropriate regulator” means—
    - (a) where the partnership is a PRA-regulated partnership, the Prudential Regulation Authority and the Financial Conduct Authority;
    - (b) in any other case the Financial Conduct Authority.
  - (5B) For the purposes of subsection (5A), a “PRA-regulated partnership” means a partnership which—
    - (a) is or has been, a PRA-~~authorised~~ person (within the meaning of the Financial Services and Markets Act 2000),
    - (b) is, or has been, an appointed representative within the meaning given by section 39 of that Act, whose principal (or one of whose principals) is, or was, a PRA-~~authorised~~ person, or
    - (c) is carrying on, or has carried on, a PRA-regulated activity (within the meaning of that Act) in contravention of the general prohibition under section 19 of that Act.”;
- (b) in paragraph 17 of Schedule 2, in modified paragraph 42 of Schedule B1 to the Insolvency Act 1986, for “(petition by Financial Services Authority)” substitute “(winding-up petitions)”.

## **The Credit Institutions (Protection of Depositors) Regulations 1995**

**12.** In the Credit Institutions (Protection of Depositors) Regulations 1995(c)—

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- (a) S.I. 1994/1443 (S. 69), amended by S.S.I. 2006/199, S.S.I. 2009/63 and S.S.I. 2011/385.
  - (b) S.I. 1994/2421; Part 1 of Schedule 1 was substituted by S.I. 2002/2708 and paragraph 17 of Schedule 2 was substituted by S.I. 2005/1516.
  - (c) S.I. 1995/1442, amended by S.I. 1998/1129 and S.I. 2001/3649.

- (a) in regulation 2(1) (interpretation)—
  - (i) omit the definition of “the Authority”,
  - (ii) at the appropriate places insert—
    - ““the FCA” means the Financial Conduct Authority;
    - “the PRA” means the Prudential Regulation Authority;”
- (b) in regulation 46(8) (information to be supplied on request)—
  - (i) for “Authority” substitute “FCA or the PRA”;
  - (ii) for “authority” substitute “regulator”;
- (c) in regulation 49 (enforcement: UK and non-EEA institutions)—
  - (i) for paragraph (2) substitute—
    - “(2) In its application to a UK institution or building society, subsection (1) of section 55J (variation or cancellation on initiative of regulator) and subsection (2) of each of sections 55L and 55M of the 2000 Act (imposition of requirements) have effect as if—
    - (a) at the end of paragraph (b), “or” were omitted;
    - (b) at the end of paragraph (c) there were inserted—
      - “or
      - (d) it is desirable to exercise the power in order to—
        - (i) secure the payment by the institution or building society of unpaid contributions; or
        - (ii) in the case of a UK institution, secure that the institution complies with any obligation imposed by or under the law of another EEA State in connection with its participation in a scheme for the protection of depositors or investors which is in force in that State.”;
  - (ii) in paragraph (3)—
    - (aa) in the first place in which it appears, for “Authority” substitute “FCA or the PRA”;
    - (bb) in the second place in which it appears, for “the Authority” substitute “that regulator”;
    - (cc) for “section 45 of the 2000 Act” substitute “section 55J, 55L or 55M of the 2000 Act”.

### **The Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996**

13. In paragraph 3 of Schedule 1 to the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996(a) for “Financial Services Authority” substitute “Financial Conduct Authority”.

### **The Occupational Pension Schemes (Transfer Values) Regulations 1996**

14. In paragraph 3 of Schedule 1 to the Occupational Pension Schemes (Transfer Values) Regulations 1996(b), for “the Financial Services Authority” substitute “the Financial Conduct Authority”.

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(a) S.R. 1996 No. 619, amended by S.R. 2008 No. 370.

(b) S.I. 1996/1847, amended by S.I. 2008/1050.

### **The Teachers' Superannuation (Provision of Information and Administrative Expenses etc.) Regulations 1996**

**15.** In the Teachers' Superannuation (Provision of Information and Administrative Expenses etc.) Regulations 1996(a)—

- (a) in regulation 3(2)(f) for "Financial Services Authority" substitute "Financial Conduct Authority";
- (b) after that sub-paragraph insert—  
    “(fa)the Prudential Regulation Authority;”.

### **The National Health Service Pension Scheme (Provision of Information and Administrative Expenses etc.) Regulations 1996**

**16.** In the National Health Service Pension Scheme (Provision of Information and Administrative Expenses etc.) Regulations 1996(b)—

- (a) in regulation 3(2) (application of the regulations), for "150 of the FSM Act (actions for damages in respect of contravention of rules etc)" substitute "138D of the FSM Act (actions for damages)";
- (b) in regulation 5—
  - (i) in sub-paragraph (e) for "Financial Services Authority" substitute "Financial Conduct Authority";
  - (ii) after that sub-paragraph insert—  
    “(ea) the Prudential Regulation Authority;”.

### **The Insurance Companies (Reserves) (Tax) Regulations 1996**

**17.** In the Insurance Companies (Reserves) (Tax) Regulations 1996(c)—

- (a) in regulation 2(1) (interpretation)—
  - (i) for the definition of "equalisation reserves rules" substitute—  
    “equalisation reserve rules” means the rules in Chapter 1.4 of INSPRU made by the Prudential Regulation Authority under the Financial Services and Markets Act 2000;”;
  - (ii) for the definition of "INSPRU" substitute—  
    “INSPRU” means the Prudential Sourcebook for Insurers made by the Prudential Regulation Authority under the Financial Services and Markets Act 2000;”;
  - (iii) after the definition of "INSPRU" insert—  
    “IPRU(INS)” means the Interim Prudential Sourcebook for Insurers made by the Prudential Regulation Authority under the Financial Services and Markets Act 2000;”;
  - (iv) for the definition of "return period" substitute—  
    “return period” means the period covered in a document prepared by an insurance company for the purposes of section 9.3 of IPRU(INS);”;
- (b) in regulation 8A (certain insurance business carried on outside the United Kingdom by a controlled foreign company—non-annual accounts but returns prepared on an annual basis)—
  - (i) for paragraph (6) substitute—  
    “(6) For the purposes of paragraph (4), accounts are prepared on an accident year basis where the accounts and statements required to be deposited with the Prudential Regulation

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(a) S.I. 1996/2282, amended S.I. 2001/3649.

(b) S.I. 1996/2424, amended by S.I. 2001/3649.

(c) S.I. 1996/2991, amended by S.I. 1999/1408, 2001/3629, 2004/3260 and 2008/2679.

Authority pursuant to Chapter 9 of IPRU(INS) are prepared using Forms 21, 22 and 23 prescribed by the Accounts and Statements Rules contained in that Chapter.”;

(ii) omit paragraph (7).

#### **The Local Government Pension Scheme Regulations 1997**

**18.** In the Local Government Pension Scheme Regulations 1997(**a**)—

- (a) in paragraph 1 of Schedule 5A, in sub-paragraph (e) for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (b) after that sub-paragraph insert—
  - “(ea) the Prudential Regulation Authority;”.

#### **The Firemen’s Pensions (Provision of Information) Regulations 1997**

**19.** In the Firemen’s Pensions (Provision of Information) Regulations 1997(**b**)—

- (a) in sub-paragraph (f) of regulation 3(2), for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (b) after that sub-paragraph insert—
  - “(fa)the Prudential Regulation Authority;”.

#### **The Police Pensions (Provision of Information) Regulations 1997**

**20.** In the Police Pensions (Provision of Information) Regulations 1997(**c**)—

- (a) in sub-paragraph (f) of regulation 3(2), for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (b) after that sub-paragraph insert—
  - “(fa)the Prudential Regulation Authority;”.

#### **The Building Societies (Accounts and Related Provisions) Regulations 1998**

**21.** In paragraph 5 of Schedule 11 to the Building Societies (Accounts and Related Provisions) Regulations 1998(**d**) for “which meets the criteria established by the competent authority (within the meaning of section 72 of the Financial Services and Markets Act 2000) and is included in a list maintained by that authority”, substitute “which meets the criteria established by the Financial Conduct Authority in exercise of its functions under Part 6 (official listing etc.) of the Financial Services and Markets Act 2000 and is included in a list maintained by the Financial Conduct Authority”.

#### **The Individual Savings Account Regulations 1998**

**22.—**(1) The Individual Savings Account Regulations 1998(**e**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “authorised unit trust” omit “made by the Financial Services Authority”;
- (b) for the definition of “the Collective Investment Schemes Sourcebook” substitute—

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(a) S.I. 1997/1612, amended by S.I. 2001/3649.

(b) S.I. 1997/1829, amended by S.I. 2001/3649.

(c) S.I. 1997/1912, amended by S.I. 2001/3649.

(d) S.I. 1998/504, amended by S.I. 2001/3649.

(e) S.I. 1998/1870, amended by S.I. 2001/3629, S.I. 2003/2747, S.I. 2004/2996, S.I. 2005/3350, S.I. 2007/2119, S.I. 2008/704, S.I. 2009/1994 and S.I. 2011/1780.

““COLL” means the Collective Investment Schemes Sourcebook made by the Financial Conduct Authority under FISMA 2000;”;

- (c) for the definition of “non-UCITS retail scheme” substitute—
- ““non-UCITS retail scheme”—
- (a) has the meaning in COLL (that is, a scheme to which, or to whose authorised fund manager and depositary, sections 5.1, 5.4 and 5.6 of COLL apply),
  - (b) includes a “recognised scheme” by virtue of section 270 or 272 of FISMA 2000, which would fall within paragraph (a) of this definition if it were an authorised fund, and
  - (c) includes a sub-fund of an umbrella which the terms of the scheme identify as a sub-fund which would fall within paragraph (a) or (b) of this definition if it were itself an authorised fund or a recognised scheme.

In this definition, expressions defined in the Glossary of the Financial Conduct Authority Handbook have those defined meanings;”;

- (d) in the definition of “qualifying units in or shares of a non-UCITS retail scheme”—
- (i) for “Collective Investment Schemes Sourcebook” substitute “COLL”;
  - (ii) for “that Sourcebook”, substitute “the COLL”;
- (e) in the definition of “recognised UCITS”, for “Collective Investment Schemes Sourcebook (see in particular COLL 1.2.2)” substitute “COLL”;
- (f) in the definition of “UK UCITS”—
- (i) for “authorised under section 31(1)(a) of FISMA 2000” substitute “with Part 4A permission under FISMA 2000”;
  - (ii) for “Collective Investments Scheme Sourcebook (see in particular COLL 1.2.2.)” substitute “the COLL”;
- (g) in the definition of “umbrella scheme”, for “Financial Services Authority” substitute “Financial Conduct Authority”.

(3) In regulation 4(8) (general conditions for accounts and subscriptions for accounts)(a) for “the Collective Investment Schemes Sourcebook (COLL 7.2)”, substitute “COLL”.

(4) In regulation 6(1) (general investment rules)(b) for “the Collective Investment Schemes Sourcebook” in each place those words appear, substitute “COLL”.

(5) In regulation 14 (account manager – qualifications and Board’s approval)—

- (a) in paragraph 2(b), for “section 31(1)(a) or (c) of, or Schedule 5 to, the Financial Services and Markets Act 2000” substitute “FISMA 2000”;
- (b) for paragraph 2(c) substitute—
  - “(c) an account manager must not be prevented from acting as such by any requirement imposed under Part 4A of FISMA 2000, or by any prohibition imposed by or under any rules made by the Financial Conduct Authority or the Prudential Regulation Authority under that Act; and”.

### **The Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999**

**23.** In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999(c)—

- (a) omit the entry beginning “Financial Services Authority”;
- (b) omit the entry beginning “The competent authority under Part IV of the Financial Services and Markets Act 2000”;

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(a) Paragraph (8) inserted by S.I. 2009/1994.

(b) Amended by S.I. 2001/3269, S.I. 2008/704.

(c) S.I. 1999/401; the Schedule was substituted by S.I. 2012/283.



(c) at the appropriate places insert—

“Financial Conduct Authority	The listing of securities on a stock exchange; prospectuses on offers of transferable securities to the public; the carrying on of investment business or of insurance business; the operation of banks and building societies, deposit-taking businesses and wholesale money market regimes; the operation of friendly societies, benevolent societies, working men’s clubs, specially authorised societies, and industrial and provident societies; the functioning of financial markets and investment exchanges; money laundering, financial crime, and other serious financial misconduct, in connection with activities regulated by the Financial Conduct Authority.
Prudential Regulation Authority	The carrying on of investment business or of insurance business; the operation of banks and building societies, deposit-taking businesses and wholesale money market regimes; the operation of friendly societies, benevolent societies, working men’s clubs, specially authorised societies, and industrial and provident societies.
The Bank of England	The functioning of clearing houses.”.

**The Personal Portfolio Bonds (Tax) Regulations 1999**

24. In regulation 2(1) (interpretation) of the Personal Portfolio Bonds (Tax) Regulations 1999(a), for the definition of “internal linked fund” substitute—

““internal linked fund” has the meaning given by section 11.1 of the Interim Prudential Sourcebook for Insurers made by the Prudential Regulation Authority under the Financial Services and Markets Act 2000;”.

**The Public Interest Disclosure (Prescribed Persons) Order 1999**

25. In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999(b)—

- (a) omit the entry beginning “The competent authority under Part IV of the Financial Services and Markets Act 2000”;
- (b) for the entry beginning “Financial Services Authority” substitute the following—

“Financial Conduct Authority.	The listing of securities on a stock exchange; prospectuses on offers of transferable securities to the public; the carrying on of investment business or of insurance business; the operation of banks and building societies, deposit-
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(a) S.I. 1999/1029, amended by S.I. 2001/3629.

(b) S.I. 1999/1549; the Schedule was substituted by S.I. 2003/1993. There are other amendments which are not relevant to this Order.

	taking businesses and wholesale money market regimes; the operation of friendly societies, benevolent societies, working men's clubs, specially authorised societies, and industrial and provident societies; the functioning of financial markets and investment exchanges; money laundering, financial crime, and other serious financial misconduct, in connection with activities regulated by the Financial Conduct Authority.
Prudential Regulation Authority.	The carrying on of investment business or of insurance business; the operation of banks and building societies, deposit-taking businesses and wholesale money market regimes; the operation of friendly societies, benevolent societies, working men's clubs, specially authorised societies, and industrial and provident societies.
The Bank of England.	The functioning of clearing houses.”.

### **The Unfair Terms in Consumer Contracts Regulations 1999**

**26.** In the Unfair Terms in Consumer Contracts Regulations 1999(a)—

- (a) in regulation 5(7), for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (b) in regulation 16, for “Financial Services Authority” in each place (including the heading) substitute “Financial Conduct Authority”;
- (c) in paragraph 10 of Schedule 1 for “Financial Services Authority” substitute “The Financial Conduct Authority”.

### **The Financial Markets and Insolvency (Settlement Finality) Regulations 1999**

**27.** In the Financial Markets and Insolvency (Settlement Finality) Regulations 1999(b)—

- (a) in regulation 2(1)—
  - (i) for the definition of “designating authority” substitute—
    - ““designating authority” means—
    - (a) in the case of a system which is, or the operator of which is, a recognised investment exchange for the purposes of the 2000 Act, the FCA;
    - (b) in any other case, the Bank of England;”;
  - (ii) at the appropriate places insert—
    - ““the FCA” means the Financial Conduct Authority;
    - “the PRA” means the Prudential Regulation Authority;”
- (b) in regulation 4(3), for “Financial Services Authority” substitute “FCA”;
- (c) in regulation 7(2)—
  - (i) omit sub-paragraph (c);

(a) S.I. 1999/2083, amended by S.I. 2001/1186, S.I. 2001/3649 and S.I. 2004/2095.

(b) S.I. 1999/2979, amended by S.I. 2002/1555 and S.I. 2010/2993.

- (ii) for sub-paragraph (d) substitute—
  - “(d) subsection (4) shall have effect as if for “two months” there were substituted “three months” and as if for “the appropriate regulator” there were substituted “the designating authority”.”;
- (d) in regulation 10(5), for “the Financial Services Authority which it has given or furnished to the Authority” substitute “the FCA or the Bank of England where the notice or information has already been given or furnished to the FCA or the Bank of England (as the case may be)”;
- (e) in paragraph 4 of the Schedule—
  - (i) for “Financial Services Authority” substitute “FCA”;
  - (ii) at the appropriate place insert—
    - “(ba) the PRA,”.

**Transitional provision in connection with the Financial Markets and Insolvency (Settlement Finality) Regulations 1999**

28. For the purposes of regulation 7 of the Financial Markets and Insolvency (Settlement Finality) Regulations 1999, the Bank of England may exercise the power to revoke a designation order where—

- (a) the designation order was made before 1st April 2013, and
- (b) if an application for the designation order had been made on 1st April 2013, it would have been made to the Bank of England as the designating authority.

**The Local Government Pension Scheme (Management and Investment of Funds) Regulations (Northern Ireland) 2000**

29. In regulation 3 (definition of “investment”) of the Local Government Pension Scheme (Management and Investment of Funds) Regulations (Northern Ireland) 2000(a), for paragraphs (6) and (7) substitute—

“(6) A stock lending arrangement is an investment if, and only if, in respect of it, the conditions in paragraphs 5.4.4R and 5.4.6R (modified as specified in paragraph (7)) of the Collective Investment Scheme Sourcebook made by the Financial Conduct Authority under the Financial Services and Markets Act 2000 (as amended from time to time) are complied with.

(7) For the purposes of paragraph (6), references in paragraphs 5.4.4R and 5.4.6R to the trustee must be read as if they were references to the Committee.”.

**The Stakeholder Pension Schemes Regulations (Northern Ireland) 2000**

30. In the Stakeholder Pension Schemes Regulations (Northern Ireland) 2000(b)—

- (a) in regulation 1(3) (citation, commencement and interpretation)—
  - (i) for the definition of “dilution levy” substitute—
    - ““dilution levy” has the meaning given by the FCA Handbook;”;
  - (ii) for the definition of “the FSA Handbook” substitute—
    - ““the FCA Handbook” means the Handbook made by the Financial Conduct Authority under the 2000 Act;”;
- (b) for regulation 15(6) (requirement for trustees or manager to satisfy certain conditions in relation to with-profits funds) substitute—

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(a) S.R. (NI) 2000 No 178, amended by S.I. 2003/433.

(b) S.R. (NI) 2000 No. 262, amended by S.R. (NI) 2003 No 256 and S.R. (NI) 2005 No. 110.

“(6) In this regulation the “actuary to the insurer” means a person appointed to perform, in relation to the insurer, either or both of the functions specified in paragraph 4.3.1 of the Supervision Sourcebook made by the Prudential Regulation Authority under the 2000 Act.”

### **The Stakeholder Pension Schemes Regulations 2000**

**31.** In the Stakeholder Pension Schemes Regulations 2000(a)—

- (a) in regulation 1(3) (citation, commencement and interpretation)—
  - (i) for the definition of “dilution levy” substitute—

““dilution levy” has the meaning given by the FCA Handbook;”;
  - (ii) for the definition of “the FSA Handbook” substitute—

““the FCA Handbook” means the Handbook made by the Financial Conduct Authority under the Financial Services and Markets Act 2000;”;
- (b) for regulation 15(6) (requirement for trustees or manager to satisfy certain conditions in relation to with-profits funds) substitute—

“(6) In this regulation the “actuary to the insurer” means a person appointed to perform, in relation to the insurer, either or both of the functions specified in paragraph 4.3.1 of the Supervision Sourcebook made by the Prudential Regulation Authority under the Financial Services and Markets Act 2000.”.

### **The Terrorism Act 2000 (Crown Servants and Regulators) Regulations 2001**

**32.** In the Terrorism Act 2000 (Crown Servants and Regulators) Regulations 2001(b)—

- (a) in regulation 4(b), for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (b) after that paragraph insert—

“(ba) the Prudential Regulation Authority;”.

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

**33.** In the Representation of the People (England and Wales) Regulations 2001(c)—

- (a) in regulation 113 (sale of full register to government departments and other bodies)—
  - (i) in paragraph (1)(c), for “Financial Services Authority; or” substitute “Financial Conduct Authority;”;
  - (ii) after that sub-paragraph insert—

“(ca) the Prudential Regulation Authority; or”;
  - (iii) in sub-paragraph (d), for “(c)” substitute “(ca)”;
- (b) in regulation 114(3)(b) (sale of full register to credit reference agencies), for “or any rules made pursuant to section 146 of the Financial Services and Markets Act 2000” substitute “or any rules made by the Financial Conduct Authority under section 137A of the Financial Services and Markets Act 2000 which relate to the prevention and detection of money laundering in connection with the carrying on of regulated activities by authorised persons”.

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(a) S.I. 2000/1403, amended by S.I. 2005/577.

(b) S.I. 2001/192, amended by S.I. 2002/1555.

(c) S.I. 2001/341, amended by S.I. 2002/1871, S.I. 2003/3075, S.I. 2006/752 and S.I. 2007/2157.

## **The Representation of the People (Scotland) Regulations 2001**

- 34.** In the Representation of the People (Scotland) Regulations 2001(a)—
- (a) in regulation 112 (sale of full register to government departments and other bodies)—
    - (i) in paragraph (1)(c) for “Financial Services Authority; or” substitute “Financial Conduct Authority;”;
    - (ii) after that sub-paragraph insert—
      - “(ca) the Prudential Regulation Authority; or”;
  - (b) in regulation 113(3)(b) (sale of full register to credit reference agencies), for “or any rules made pursuant to section 146 of the Financial Services and Markets Act 2000” substitute “or any rules made by the Financial Conduct Authority under section 137A of the Financial Services and Markets Act 2000 which relate to the prevention and detection of money laundering in connection with the carrying on of regulated activities by authorised persons”.

## **The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001**

- 35.** In the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(b)—
- (a) in articles 9C(1) and (3); 9D; 9E(1); 9F; 9G(1), (4) and (8); 9H(1); 9K; 54(3); 92; 93(1); 94(1), (3), (4) and (5); 95(1) to (9) and 96, for “the Authority” (wherever appearing) substitute “the FCA”;
  - (b) in article 9C(3) (persons certified as small issuers etc), for “the authority” substitute “the FCA”;
  - (c) in article 9D (applications for certificates), for paragraphs (a) to (c), substitute—
    - “(a) section 55U(1)(b) and (4) to (8);
    - (b) section 55V;
    - (c) section 55X(2) and (4)(f); and
    - (d) section 55Z3(1).”;
  - (d) in article 9E (revocation of certificate on Authority’s own initiative)—
    - (i) in the heading, for “Authority’s” substitute “FCA’s”;
    - (ii) in paragraph (3)—
      - (aa) for “54 and 55(2)” substitute “55Z and 55Z3(2)”;
      - (bb) for “the Authority’s” substitute “the FCA’s”;
  - (e) in article 9G (obtaining information from certified persons etc)—
    - (i) in subsection (2), for “Section 148” substitute “Section 138A”;
    - (ii) in subsection (3), for “Section 150” substitute “Section 138D”;
    - (iii) in subsection (6) for “Authority’s” substitute “Regulator’s”;
    - (iv) in subsection (7) omit paragraph (a);
  - (f) in article 9H(2) (rules prohibiting the issue of electronic money at a discount), for “Section 148” substitute “Section 138A”;
  - (g) in article 35(3)(c) and (d) (international securities self-regulating organisations), for “the Authority” substitute “the FCA and the PRA”;
  - (h) in article 93(1)(a) (duty to maintain a record of persons carrying on insurance mediation activities), for “section 51(3)” substitute “section 55U(4)”;

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(a) S.I. 2001/497 (S.2); regulation 112(1) was inserted by S.I. 2002/1872 and amended by S.I. 2006/834. Regulation 113(3) was inserted by S.I. 2002/1872 and amended by S.I. 2003/3075 and 2007/2157.

(b) S.I. 2001/544, amended by S.I. 2002/682, S.I. 2003/1476 and S.I. 2006/3221.

- (i) in article 95(10) (exclusion from record where no fit and proper to carry on insurance mediation activities), for “Authority” substitute “FCA or PRA”;
- (j) in article 96 (exclusion from record where regulator has exercised its powers under Part 20 of the Act), in the heading for “Authority” substitute “FCA”.

**The Financial Services and Markets Act 2000 (Recognition Requirements for Investment Exchanges and Clearing Houses) Regulations 2001**

**36.** In the Financial Services and Markets Act 2000 (Recognition Requirements for Investment Exchanges and Clearing Houses) Regulations 2001(a)—

- (a) in regulation 3(1) (interpretation), insert the following definitions in the appropriate places—
  - ““the appropriate regulator” has the meaning given in section 285A of the Act(b);
  - “the FCA” means the Financial Conduct Authority;”
- (b) in regulation 6(1) (method of satisfying recognition requirements), for “the Authority” substitute “the appropriate regulator”;
- (c) in regulation 7 (dealings and transactions not involving investments), omit “recognised investment exchange or”;
- (d) in the Schedule—
  - (i) in Part 1 (recognition requirements for investment exchanges), for “the Authority”, in each place, substitute “the FCA”;
  - (ii) omit paragraph 15 of Part 2 (recognition requirements for investment exchanges: default rules in respect of market contracts);
  - (iii) in Part 3 (recognition requirements for clearing houses), for “the Authority”, in each place, substitute “the Bank of England”;
  - (iv) in paragraph 28 of Part 4 (recognition requirements applying to clearing houses: default rules in respect of market contracts), for “the Authority under sections 138 and 139 of the Act” substitute “the FCA under sections 137A and 137B of the Act”.

**The Financial Services and Markets Act 2000 (Promotion of Collective Investment Schemes) (Exemptions) Order 2001**

**37.** In the Financial Services and Markets Act 2000 (Promotion of Collective Investment Schemes) (Exemptions) Order 2001(c)—

- (a) in article 30, for “Authority” substitute “FCA”;
- (b) in the Schedule, in each place, for “by the Financial Services Authority” substitute “under the Financial Services and Markets Act 2000”.

**The Financial Services and Markets Act 2000 (Exemption) Order 2001**

**38.** In paragraph 51(2)(b) (policyholder Advocates) of the Schedule to the Financial Services and Markets Act 2000 (Exemption) Order 2001(d), for “Authority” substitute “FCA”.

**Financial Services and Markets Act 2000 (Appointed Representatives) Regulations 2001**

**39.** In regulation 3(5) of the Financial Services and Markets Act 2000 (Appointed Representatives) Regulations 2001(e), for “Authority” substitute “FCA”.

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(a) S.I. 2001/995, amended by S.I. 2006/3386; there are other amending instruments, but none is relevant.  
 (b) Section 285A was inserted into the Act by section 29 of the Financial Services Act 2012 (c.21).  
 (c) S.I. 2001/1060, amended by S.I. 2002/1310, S.I. 2003/2067, S.I. 2005/2114 and S.I. 2011/1613.  
 (d) S.I. 2001/1201, to which there are amendments not relevant to this Order.  
 (e) S.I. 2001/1217. Paragraph (5) of regulation 3 was inserted by S.I. 2003/1476.

## **The Financial Services and Markets Act 2000 (Professions) (Non-Exempt Activities) Order 2001**

**40.** In article 2(1) (interpretation) of the Financial Services and Markets Act 2000 (Professions) (Non-Exempt Activities) Order 2001(a), in the definition of “record of insurance intermediaries”, for “Authority” substitute “FCA”.

## **The Open-Ended Investment Companies Regulations 2001**

**41.**—(1) The Open-Ended Investment Companies Regulations 2001(b) are amended as follows.

(2) For each reference to “FSA rules”, including in the headings to regulations 6 and 7, substitute “FCA rules”.

(3) In regulation 2 (interpretation), after the definition of “authorisation order” insert—

““the Authority” means the FCA;”.

(4) In regulation 7 (modification or waiver of FSA rules)—

(a) in paragraph (3)—

(i) for “sections 148(3) to (9) and (11) of the Act” substitute “sections 138A(3) to (7) and 138B of the Act”;

(ii) for “section 148(2)” substitute “section 138A(1)”;

(iii) for “subsection (7)(b)” substitute “section 138B(3)(c)”;

(b) in paragraph (4)—

(i) for “sections 148(3) to (9) and (11) of the Act” substitute “sections 138A(3) to (7) and 138B of the Act”;

(ii) for “section 148(2)” substitute “section 138A(1)”;

(iii) for “subsection (4)(a)” substitute “section 138A(4)(a)”;

(iv) for “subsections (7)(b), (8) and (11)” substitute “section 138B(3)(c) and (5)”;

(v) for “subsection (7)(b)” substitute “section 138B(3)(c)”;

(vi) for “subsection (9)” substitute “section 138A(7)”.

(5) In regulation 10 (the Authority’s procedures), for “(the Authority’s procedures)” substitute “(the FCA’s and the PRA’s procedures)”.

(6) In regulation 25(6) (directions) for “section 150” substitute “section 138D”.

(7) In regulation 27(15) (procedure on giving directions under regulation 25 and varying them on Authority’s own initiative) for “(the Authority’s procedures)” substitute “(the FCA’s and PRA’s procedures)”.

(8) In regulation 42(6) (restraint and ratification by shareholders), for “section 150” substitute “section 138D”.

(9) In regulation 80 (contraventions), for “section 138 of the Act (general rule-making power)” substitute “section 137A of the Act (FCA’s general rules)”.

## **The Financial Services and Markets Act 2000 (Service of Notices) Regulations 2001**

**42.** In the Financial Services and Markets Act 2000 (Service of Notices) Regulations 2001(c)—

(a) in regulation 1(2)(d)—

(i) in the definition of “an investigating authority” for “the Authority” substitute “the FCA, the PRA, the Bank of England”;

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(a) S.I. 2001/1227. The definition was inserted by S.I. 2003/1476.

(b) S.I. 2001/1228, amended by S.I. 2007/1973; there are other amending instruments but none is relevant.

(c) S.I. 2001/1420.

(d) Amended by section 2 of the Enterprise Act 2002 and S.I. 2010/1193.

- (ii) in paragraph (a) of the definition of “nominee”—
  - (aa) for “the Authority” substitute “the FCA, the PRA or the Bank of England”;
  - (bb) for “any relevant authority” substitute “that authority and any other relevant authority”;
- (iii) in the definition of “relevant authority” for paragraph (a) substitute—
  - “(a) the FCA,
  - (aa) the PRA,
  - (b) the Bank of England.”;
- (b) in regulation 4(1)(a) for “the Authority an address of a place in the United Kingdom for the service of documents, is the address so provided” substitute “the FCA, the PRA or the Bank of England an address of a place in the United Kingdom for the service of documents, is the address provided to that regulator”;
- (c) after regulation 4(3) insert—
 

“(4) Where, prior to 1st April 2013, a person (“A”) was required by any provision of or made under the Act to provide to the Financial Services Authority an address in the United Kingdom for the service of documents, the proper address is the address provided to the Financial Services Authority except to the extent that A subsequently provides a different address to the FCA, PRA or Bank of England.”;
- (d) in regulation 5—
  - (i) in paragraph (4)—
    - (aa) for “the Authority” substitute “the FCA, the PRA or the Bank of England”;
    - (bb) for “any relevant authority” substitute “that regulator”;
  - (ii) after regulation 5(4) insert—
 

“(5) Where, before 1st April 2013, a person (“A”) provided to the Financial Services Authority a fax number, e-mail address or other electronic identification for the purpose of accepting the service of relevant documents, that is sufficient indication for each relevant authority for the purposes of paragraph (1) or (3), except to the extent that A subsequently provides to the FCA, PRA or Bank of England further information.”;
- (e) in regulation 6(3)(a)—
  - (i) in sub-paragraph (a)—
    - (aa) for “section 53(4)” substitute “section 55Y(b)”;
    - (bb) for “variation of an authorised person’s Part IV permission” substitute “variation of Part 4A permission or the imposition or variation of a requirement”;
  - (ii) after sub-paragraph (a) insert—
 

“(aa) a notice given under section 137S(4)(a) (financial promotion rules: directions given by FCA)(c) of the Act which states that the requirements contained in the direction have effect immediately.”;
  - (iii) in sub-paragraph (b)—
    - (aa) after “(discontinuance or suspension: procedure)” insert “, section 88F(2)(d) (action under section 88E: procedure) or 89V(1) (action under section 89U: procedure)”;
    - (bb) for “or suspension of the listing of any securities” substitute “, suspension of the listing of any securities or action”;

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(a) Amended by S.I. 2005/274.

(b) Substituted by section 11 of the Financial Services Act 2012.

(c) Inserted by section 24 of the Financial Services Act 2012.

(d) Substituted by section 18 of the Financial Services Act 2012.



- (iv) in sub-paragraph (c) for “Authority’s” in each place it appears substitute “FCA’s”;
- (f) in regulation 8(2)—
  - (i) for “the Authority” in the first place it appears substitute “the FCA, the PRA or the Bank of England (“the Bank”);
  - (ii) for “the Authority” in the second place it appears substitute “the FCA, the PRA or the Bank (as the case may be);
- (g) in regulation 9(2)—
  - (i) for “the Authority” in the first place it appears substitute “the FCA, the PRA or the Bank of England”;
  - (ii) for “the Authority” in the second and third places it appears substitute “it”;
- (h) in regulation 10—
  - (i) in the heading for “the Authority” substitute “regulators”;
  - (ii) for “the Authority” where first place it appears substitute “the FCA, the PRA or the Bank of England (“the relevant regulator”);
  - (iii) for each of the remaining references to “the Authority” substitute “the relevant regulator”;
  - (iv) after “applicable directions” insert “given by that regulator”.

**The Criminal Defence Service (General) (No.2) Regulations 2001**

**43.** In regulations 3(2)(h) and 13(1)(c) of the Criminal Defence Service (General) (No.2) Regulations 2001(a), for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”.

**The Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001**

**44.** In the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001(b)—

- (a) in article 7 (verification of continued rules)—
  - (i) in paragraph (1), for “section 154” substitute “section 138H”;
  - (ii) in paragraph (2)—
    - (aa) for “Authority” substitute “Financial Services Authority, the Financial Conduct Authority or the Prudential Regulation Authority”;
    - (bb) for “the Authority’s staff” substitute “staff of that regulator”;
  - (iii) in paragraph (3) for “Authority” substitute “Financial Services Authority”;
  - (iv) in paragraph (6) for “Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (b) in article 8(5) (waiver or modification as respects particular persons), for “section 148(9)” substitute “section 138A(7)”.

**The Financial Services and Markets Act 2000 (Consequential and Transitional Provisions) (Miscellaneous) Order 2001**

**45.** In the Financial Services and Markets Act 2000 (Consequential and Transitional Provisions) (Miscellaneous) Order 2001(c), omit article 3 (application of definition of “consumer” to users of regulated services before commencement).

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(a) S.I. 2001/1437, amended by S.I. 2002/712 and S.I. 2010/22.  
 (b) S.I. 2001/1534.  
 (c) S.I. 2001/1821.

## **The Financial Services and Markets Act 2000 (Disclosure of Information by Prescribed Persons) Regulations 2001**

**46.** In the Financial Services and Markets Act 2000 (Disclosure of Information by Prescribed Persons) Regulations 2001(**a**)—

- (a) in regulation 3 (permitted disclosure)—
  - (i) in paragraph (1)—
    - (aa) for “Authority” in the first place it appears substitute “FCA or the PRA”;
    - (bb) for “the Authority” in the second place it appears substitute “that regulator”;
  - (ii) in paragraph (2), for “the Authority” substitute “the FCA or the PRA”;
- (b) in the Schedule—
  - (i) in paragraph (a), for “the Authority” substitute “the FCA or the PRA”;
  - (ii) in paragraph (b), for “the Authority” substitute “the FCA or the PRA”;
  - (iii) in paragraph (c), after “section 166” insert “or 166A”.

## **The Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001**

**47.**—(1) The Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001(**b**) are amended as follows.

- (2) In regulation 2 (interpretation)(**c**)—
  - (a) omit the definition of “Authority worker”;
  - (b) in the definition of “markets in financial instruments directive information”, for “Authority” substitute “FCA or the PRA”;
  - (c) after the definition of “prescribed disciplinary proceedings” insert—
    - ““regulators” means the FCA, the PRA and the Bank of England, and “regulator” means any one of the regulators;
    - “regulator worker” means—
      - (a) a person who is or has been employed by one of the regulators; or
      - (b) an auditor or expert instructed by one of the regulators;”;
  - (d) in the definition of “short selling regulation information”, for “Authority” substitute “FCA”;
  - (e) in the definition of “single market information”, for “Authority” substitute “FCA or the PRA”.
- (3) In regulation 3 (disclosure by and to the Authority, the Secretary of State and the Treasury etc.)(**d**)—
  - (a) in the heading, for “Authority” substitute “regulators”;
  - (b) in paragraph (1)—
    - (i) for sub-paragraph (a) substitute—
      - “(a) by one of the regulators or a regulator worker for the purposes of enabling or assisting the person making the disclosure to discharge any public functions of that regulator or (if different) the regulator worker;”;
    - (ii) after sub-paragraph (c) insert—

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(a) S.I. 2001/1857; there are other amending instruments but none is relevant.

(b) S.I. 2001/2188.

(c) Amended by S.I. 2003/693, S.I. 2003/2066, S.I. 2004/1862, S.I. 2004/3379, S.I. 2006/3413, S.I. 2010/2628, and S.I. 2012/916, S.I. 2012/917 and S.I. 2012/2554.

(d) Amended by S.I. 2012/916.

- “(d) by one of the regulators or a regulator worker to one of the other regulators or a regulator worker employed or instructed by one of the other regulators for the purpose of enabling or assisting the recipient to discharge any public functions of the regulator or (if different) the regulator worker.”;
- (c) in paragraph (2)—
- (i) for “the Authority” in the first place those words appear, substitute “one of the regulators”;
  - (ii) for “the Authority” in the second place those words appear, substitute “that regulator”.
- (4) In regulation 5 (disclosure for the purposes of certain other proceedings)—
- (a) in paragraph (2), for “the Authority” substitute “one of the regulators”;
  - (b) in paragraph (3)(a), for “the Authority” substitute “the regulators”;
  - (c) in paragraph (6)(c), for “the Authority” substitute “one of the regulators”.
- (5) In regulation 7 (restrictions on use of confidential information), for “the Authority” substitute “the FCA, the PRA,”.
- (6) In regulation 9 (disclosure by the Authority or Authority workers to certain other persons)(a)—
- (a) in the heading, for “the Authority or Authority workers” substitute “regulators or regulator workers”;
  - (b) in paragraph (1), for “the Authority or an Authority worker” substitute “any of the regulators or a regulator worker”;
  - (c) in paragraph (4), for “in the course of discharging the Authority’s functions” substitute “by the FCA or the PRA in the course of discharging its functions”.
- (7) In regulation 12B (electronic commerce)(b), for “The Authority” substitute “The FCA or the PRA”.
- (8) In regulation 13 (interpretation of Part 5), after “In this Part—” insert—
- ““the Authority” means the Financial Services Authority;”.
- (9) In Schedule 1 (disclosure of confidential information whether or not subject to single market restrictions)(c)—
- (a) in Part 1—
    - (i) in the entry beginning “The Bank of England”, after “payment systems” insert “and clearing and settlement systems”;
    - (ii) after that entry insert, in the first column “The FCA” and in the second column “The functions conferred on it by or under the Act”;
    - (iii) after the entry for “the FCA” (inserted by paragraph (ii)), in the first column insert “The PRA” and in the second column “The functions conferred on it by or under the Act”;
    - (iv) in the entry for “a person appointed to make a report under section 166 of the Act”, in the first column after “section 166” insert “or 166A”;
    - (v) in the entry beginning “The investigator appointed by the Authority”, in the first column for “The investigator appointed by the Authority in accordance with paragraph 7 of Schedule 1 to the Act” substitute “The investigator appointed under section 84 of the Financial Services Act 2012”;

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(a) Amended by S.I. 2003/693, S.I. 2004/3379, S.I. 2006/3221, S.I. 2006/3413 and S.I. 2010/2628.

(b) Inserted by S.I. 2002/1775.

(c) Amended by S.I. 2001/3437 and 2012/916.

- (vi) in the entry beginning “A person appointed by the Treasury to hold an inquiry into matters relating to financial services”, in the first column for “section 15 of the Act” substitute “section 68 of the Financial Services Act 2012”;
  - (b) in Part 4, in the entry for “a person included on the list maintained by the Authority for the purposes of section 301 of the Act”, in the first column for “the Authority” substitute “the Bank of England”.
- (10) In Schedule 3 (prescribed disciplinary proceedings) for “the Authority” substitute “any of the regulators”.

#### **The Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001**

- 48.** In the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001(a)—
- (a) in regulations 4(1) (authorised person acting otherwise than in accordance with permission) and 7(1) (incoming firms), for “the Authority” substitute “the FCA or the PRA”;
  - (b) in regulation 6 (Authority rules)—
    - (i) in the heading omit “Authority”;
    - (ii) in paragraph (1), for “150(5)” substitute “138D(6)”;
    - (iii) in paragraph (2), for “150(3)” substitute “138D(4)”;
    - (iv) in paragraph (4)(b), for “150(4)” substitute “138D(5)”.

#### **The Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman Scheme and Complaints Scheme) Order 2001**

- 49.** In the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman Scheme and Complaints Scheme) Order 2001(b)—
- (a) in article 15 (record-keeping and reporting requirements relating to relevant complaints), for “Authority” substitute “Financial Conduct Authority”;
  - (b) in article 18 (transitional complaints against the Authority etc)—
    - (i) in paragraph (1)—
      - (aa) for “The Authority” substitute “The Financial Conduct Authority or the Prudential Regulation Authority”;
      - (bb) for “the Authority” substitute “the Financial Services Authority”;
    - (ii) in paragraph (2)—
      - (aa) for “Authority” in the first two places substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
      - (bb) for “sub-paragraphs (2) to (14) of paragraph 7 of Schedule 1” substitute “sections 84 to 86 of the Financial Services Act 2012”;
      - (cc) for “paragraph 7(1)(a) of Schedule 1” substitute “section 84(1)(a) of that Act”;
      - (dd) for “paragraph 7(1)(b) of that Schedule” in both places those words appear substitute “section 84(1)(b) of that Act”;
      - (ee) for “paragraph 8 of that Schedule” substitute “section 87 of that Act”;
      - (ff) for “the investigator appointed by the Authority in accordance with paragraph 7 of Schedule 1 to the Act” substitute “the investigator appointed under section 84 of the Financial Services Act 2012”;
    - (iii) omit paragraph (3).

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(a) S.I. 2001/2256, amended by S.I. 2002/2706. There are other amending instruments but none is relevant.  
 (b) S.I. 2001/2326.

## **The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001**

**50.** In the Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001(a)—

- (a) in paragraph (2) of article 1 (citation, commencement and interpretation)—
  - (i) omit the definitions of “section 41” and “Schedule 6”;
  - (ii) in the appropriate place, insert—

““the Act” means the Financial Services and Markets Act 2000;”;
- (b) for article 2 (limited liability partnerships) substitute—

### **“Non-EEA insurers: specified regulator**

**2A.** The PRA is specified for the purposes of paragraph 8(2)(b) of Schedule 6 to the Act.”  
;

- (c) in article 3 (non-EEA insurers)—
  - (i) in paragraph (1), for “section 41 and Schedule 6” substitute “section 55B(3) of the Act”;
  - (ii) in paragraph (1)(a), for “the Authority” substitute “the PRA”;
  - (iii) in paragraph (2), for “the Authority”, in both places it appears, substitute “the PRA”;
  - (iv) in paragraph (3), for “paragraphs 4 and 5 of Schedule 6 (adequate resources and suitability) are removed” substitute “paragraphs 3D and 4E (suitability) and paragraph 4D (business to be conducted in a prudent manner) (in so far as it relates to appropriate financial resources) of Schedule 6 do not apply”;
  - (v) after paragraph (4) insert—

“(5) The additional conditions specified in this article are relevant to the discharge by the PRA of its functions under the Act in relation to the person concerned.

(6) Any agreement made for the purpose of paragraph (2) by the Financial Services Authority before 1st April 2013, and in effect immediately before that date, is to be treated for the purposes of this article as if it had been made by the PRA.”;

- (d) in article 4 (Swiss general insurance companies)—
  - (i) in the opening words of paragraph (1), for “section 41 and Schedule 6” substitute “section 55B(3) of the Act”;
  - (ii) in paragraph (1)(c), for each reference to “Authority” substitute “PRA”;
  - (iii) after paragraph (2) insert—

“(3) The additional conditions specified in this article are relevant to the discharge by the PRA of its functions under the Act in relation to the person concerned.”.

## **The Financial Services and Markets Act 2000 (Communications by Auditors) Regulations 2001**

**51.**—(1) The Financial Services and Markets Act 2000 (Communications by Auditors) Regulations 2001(b) are amended as follows.

(2) In regulation 1(2) (interpretation)—

- (a) in the definition of “the person concerned”, after “authorised person”, in each place those words appear, insert “, recognised investment exchange or recognised clearing house”;
- (b) in the definition of “relevant requirement”—

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(a) S.I. 2001/2507, amended by S.I. 2005/680.

(b) S.I. 2001/2587.

- (i) at the end of paragraph (a), delete “or”;
  - (ii) after paragraph (a), insert—
    - “(aa) a requirement which is a relevant requirement within the meaning of section 312E(2) or (3) of the Act(a); or”;
  - (iii) in paragraph (b) for “Authority” substitute “FCA, the PRA or the Bank of England as appropriate”.
- (3) In regulation 2 (circumstances in which an auditor is to communicate)—
- (a) in paragraph (1)—
    - (i) for “Authority”, substitute “FCA, the PRA or, the Bank of England”;
    - (ii) after “authorised person”, in each place those words appear, insert “, recognised investment exchange or recognised clearing house”;
  - (b) in paragraph (2)(a)(ii), for “the Authority”—
    - (i) in the first place, substitute “the FCA, the PRA or the Bank of England”;
    - (ii) in the second place, substitute “that regulator”;
  - (c) in paragraph (2)(b)—
    - (i) for “the Authority”, substitute “the FCA, the PRA or the Bank of England”;
    - (ii) after “the threshold conditions” insert “or, in the case of a recognised investment exchange or recognised clearing house, the requirements set out in relation to recognised investment exchanges or (as the case may be) recognised clearing houses under section 286 of the Act (qualifications for recognition)”.

**Transitional provision in relation to the Financial Services and Markets Act 2000 (Communications by Auditors) Regulations 2001**

**52.** For the purposes of the Financial Services and Markets Act 2000 (Communications by Auditors) Regulations 2000 any obligation under regulation 2 of those Regulations to supply information or an opinion to the PRA is to be treated as satisfied if the information or opinion was provided before 1st April 2013 to the Financial Services Authority.

**The Financial Services and Markets Act 2000 (Transitional Provisions) (Controllers) Order 2001**

**53.** In the Financial Services and Markets Act 2000 (Transitional Provisions) (Controllers) Order 2001(b)—

- (a) in article 2(1) (interpretation), after the definition of “the Act” insert—
  - ““the Authority” means the Financial Services Authority;”;
- (b) in article 12(1) (objection to existing controller: no action taken before commencement), for “Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (c) in article 13 (improperly acquired shares)—
  - (i) in paragraph (3)—
    - (aa) for “Authority” in the first place it appears substitute “Financial Services Authority”;
    - (bb) for “Authority” in the second place it appears substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
  - (ii) in paragraph (4)—

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(a) Section 312E was inserted by section 33 of the Financial Services Act 2012.  
 (b) S.I. 2001/2637.

- (aa) for “Authority” in the first place it appears substitute “Financial Services Authority”;
- (bb) for “Authority” in the second place it appears substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (d) in article 14 (notification on becoming aware of acquisition), for “Authority” substitute “Financial Services Authority, the Financial Conduct Authority or the Prudential Regulation Authority”.

**The Financial Services and Markets Act 2000 (Own-initiative Power) (Overseas Regulators) Regulations 2001**

**54.** In the Financial Services and Markets Act 2000 (Own-initiative Power) (Overseas Regulators) Regulations 2001(a)—

- (a) in regulation 2(1) (overseas regulators), for “47(1)(b)” substitute “55Q(1)”;
- (b) in regulation 2(2)(a), for “Authority” substitute “FCA, the PRA or the Bank of England”;
- (c) in regulation 2(2)(b), for “competent authority” substitute “FCA”;
- (d) in regulation 3 (duty to consider EU obligation)—
  - (i) in paragraph (1), for “47(3)(b)” substitute “55Q(4)(a)”;
  - (ii) in paragraph (3), for “47(3)(c)” substitute “55Q(4)(b)”.

**The Financial Services and Markets Act 2000 (Official Listing of Securities) Regulations 2001**

**55.** In the Financial Services and Markets Act 2000 (Official Listing of Securities) Regulations 2001(b)—

- (a) in regulation 2(1) (interpretation), omit the definition of “competent authority”;
- (b) in regulations 6(1)(b) and 7(2)(b)(i), for “competent authority” substitute “FCA”.

**The Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001**

**56.** In the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001(c)—

- (a) in article 6 (post-commencement applications), for “Authority” in both places substitute “FCA”;
- (b) in article 8 (insolvency of relevant defaulter—post-commencement applications), for “Authority” substitute “FCA”;
- (c) in article 9 (defaults occurring before commencement)—
  - (i) in paragraph (1)(d), for “Authority” substitute “FCA or the PRA”;
  - (ii) in paragraph (3) for “The Authority must by rules make such modifications to the FSFS as it considers” substitute “The FCA and PRA must ensure that, by rules made by one of them (or a combination of rules made by both of them), such modifications to the FSFS are made as they consider”;
  - (iii) in paragraph (4), for “Authority” substitute “FCA and the PRA”;
  - (iv) after paragraph (7) insert—
 

“(8) For the purposes of section 213(1A) of the Act and any subordinate legislation made under it, rules made by the PRA under paragraph (3) are to be treated as relating to cases

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(a) S.I. 2001/2639, amended by S.I. 2011/1043.  
 (b) S.I. 2001/2956.  
 (c) S.I. 2001/2967, amended by S.I. 2006/3259.

where relevant persons are unable, or likely to be unable, to satisfy claims against them under a contract of insurance.”;

- (d) in article 9A (contributions in relation to mesothelioma claims)(a)—
  - (i) for “Authority” in each place it appears substitute “PRA”;
  - (ii) after paragraph (8) insert—

“(9) For the purposes of section 213(1A) of the Act and any subordinate legislation made under it, rules made by the PRA under paragraph (3) are to be treated as relating to cases where relevant persons are unable, or likely to be unable, to satisfy claims against them under a contract of insurance.”;
- (e) in article 10 (applications in respect of compulsory liability insurance)—
  - (i) for “Authority” in each place it appears substitute “PRA”;
  - (ii) after paragraph (3) insert—

“(4) For the purposes of section 213(1A) of the Act and any subordinate legislation made under it, rules made by the PRA under paragraph (2) are to be treated as relating to cases where relevant persons are unable, or likely to be unable, to satisfy claims against them under a contract of insurance.”;
- (f) in article 12 (applications under the new scheme)—
  - (i) for “Authority” in each place it appears substitute “PRA”;
  - (ii) after paragraph (5) insert—

“(6) For the purposes of section 213(1A) of the Act and any subordinate legislation made under it, rules made by the PRA under paragraph (3) are to be treated as relating to cases where relevant persons are unable, or likely to be unable, to satisfy claims against them for a deposit (within the meaning of the meaning of article 5 of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(b)) or under a contract of insurance.”;
- (g) in article 23 (record keeping and reporting requirements relating to pre-commencement acts), for “Authority” substitute “FCA and the PRA”;
- (h) in Schedule 1 (modification and saving of enactments) in Part 1—
  - (i) in the modifications to Part 2 of the Banking Act 1987(c), for “Authority” substitute “Prudential Regulation Authority”;
  - (ii) in the modifications to Part 4 of the Building Societies Act 1986(d) and the Credit Institutions (Protection of Depositors) Regulations 1995(e), for “Financial Services Authority” substitute “Prudential Regulation Authority”.

### **The Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Civil Remedies, Discipline, Criminal Offences etc.) (No. 2) Order 2001**

**57.** In the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Civil Remedies, Discipline, Criminal Offences etc.) (No. 2) Order 2001(f)—

- (a) in article 2 (remedial injunctions and restitution orders in respect of pre-commencement conduct), for “Authority” in each place it appears, substitute “FCA or the PRA”;
- (b) in article 3 (restitution by the Authority)—
  - (i) in paragraph (1)(b) for “The Authority”, substitute “The FCA or the PRA”;
  - (ii) in each other place, for “the Authority” or “The Authority” substitute “that regulator” or “That regulator” as appropriate;

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(a) Inserted by S.I. 2006/3259.

(b) S.I. 2001/544; relevant amending instruments are S.I. 2002/682, S.I. 2002/1310, S.I. 2002/1776, S.I. 2011/1043.

(c) 1987 c.22.

(d) 1986 c.53.

(e) S.I. 1995/1442.

(f) S.I. 2001/3083, amended by S.I. 1992/3218, S.I. 1995/3275.



- (iii) in the heading, for “the Authority” substitute “the FCA or the PRA”;
- (c) in article 4(2) (injunctions to prevent disposal of assets), for “Authority” substitute “FCA or the PRA”;
- (d) in article 6 (public statements in respect of pre-commencement contraventions of the Financial Services Act)—
  - (i) for “Authority” in the first place it appears in paragraphs (1) and (2) and in paragraph (3) substitute “FCA or the PRA”;
  - (ii) for “Authority” in the second place it appears in paragraphs (1) and (2) substitute “Financial Services Authority”;
- (e) in each of article 7 (public statements in respect of pre-commencement contraventions of the rules of self-regulating organisations), article 8 (imposition of penalties in respect of pre-commencement contraventions of the rules of self-regulating organisations), article 9 (disciplinary powers in relation to persons registered with self-regulating organisations), article 16 (reports by skilled persons), article 17 (appointment of persons to carry out general investigations), each of paragraph (1) and paragraph (3) of article 18 (appointment of persons to carry out investigations in particular cases) and article 21 (information from former recognised professional bodies)—
  - (i) for “the Authority” in the first place those words appear substitute “the FCA or the PRA”;
  - (ii) for “the Authority” in each other place those words appear substitute “that regulator”;
- (f) in article 10 (saving of sections 19 and 20 of the Banking Act) and article 11 (saving of sections 43A and 43B of the Building Societies Act), for “Authority” in each place it appears substitute “FCA or the PRA”;
- (g) in article 15 (power to require information)—
  - (i) for “Authority’s” substitute “regulator’s”;
  - (ii) for “the Authority” in the first and second place those words appear substitute “the FCA or the PRA”;
  - (iii) for “the Authority” in each other place those words appear substitute “that regulator”.

### **The Financial Services and Markets Act 2000 (Gibraltar) Order 2001**

**58.** In article 2 of the Financial Services and Markets Act 2000 (Gibraltar) Order 2001(a) (exercise of deemed passport rights by Gibraltar-based firms)—

- (a) in paragraph (7), for “Authority” substitute “FCA or PRA”;
- (b) for paragraph (8) substitute—
  - “(8) For the purposes of paragraph (7)—
    - (a) section 194A(7)(b) has effect as if “and the Commission” were omitted;
    - (b) section 195A(11)(c) is disapplied.”.

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(a) S.I. 2001/3084, amended by S.I. 2005/1, S.I. 2006/1805, S.I. 2007/3254 and S.I. 2012/2017.  
 (b) Section 194A(7) of FSMA 2000 was inserted by S.I. 2007/126 and amended by paragraphs 29 and 33 of Schedule 4 to the Financial Services Act 2012 and S.I. 2012/916.  
 (c) Section 195A(11) of FSMA 2000 was substituted by S.I. 2011/1613 and amended by paragraphs 29 and 35 of Schedule 4 to the Financial Services Act 2012 and S.I. 2012/916.

### **The Financial Services and Markets Act 2000 (Collective Investment Schemes Constituted in Other EEA States) Regulations 2001**

**59.** In regulations 4 and 5 of the Financial Services and Markets Act 2000 (Collective Investment Schemes Constituted in Other EEA States) Regulations 2001(a), for “Authority” substitute “FCA”.

### **The Financial Services and Markets Act 2000 (Consultation with Competent Authorities) Regulations 2001**

**60.** In the Financial Services and Markets Act 2000 (Consultation with Competent Authorities) Regulations 2001(b)—

- (a) in regulation 2, after the definition of “the Act”, insert—  
““appropriate regulator” has the meaning given in Part 12 of the Act;”;
- (b) for “Authority” in each place it appears, substitute “appropriate regulator”.

### **The Bankruptcy (Financial Services and Markets Act 2000) (Scotland) Rules 2001**

**61.** In the Bankruptcy (Financial Services and Markets Act 2000) (Scotland) Rules 2001(c)—

- (a) in rule 2 (interpretation), after the definition of “individual” insert—  
““the regulator” in relation to an individual means—
  - (a) if the individual is a PRA-authorized person, or was carrying on a PRA-regulated activity in contravention of the general prohibition, the FCA or the PRA,
  - (b) in any other case, the FCA,and terms used in this definition which are defined in the Act have the meaning given in the Act.”;
- (b) in rule 3 (form of demand)—
  - (i) in paragraphs (a) and (e), for “Authority’s” substitute “regulator’s”;
  - (ii) in paragraph (f)(i), for “Authority” substitute “regulator”;
- (c) in rule 5(2) (application to set aside a demand), for “Authority” substitute “regulator”.

### **The Financial Services and Markets Act 2000 (Control of Business Transfers) (Requirements on Applicants) Regulations 2001**

**62.** In the Financial Services and Markets Act 2000 (Control of Business Transfers) (Requirements on Applicants) Regulations 2001(d)—

- (a) in regulations 3(3)(a), 4(1)(b), 5(3)(a) and 6(1)(b), for the reference to “the Authority” substitute “the appropriate regulator”(e);
- (b) in regulation 3(5), for “the Authority” substitute “the appropriate regulator and, if the FCA is not the appropriate regulator, the FCA”;
- (c) in regulation 3(6), for “the Authority” substitute “the appropriate regulator and, if the FCA is not the appropriate regulator, the FCA”;
- (d) in regulation 5(5), for “the Authority” substitute “the appropriate regulator and, if the FCA is not the appropriate regulator, the FCA”.

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(a) S.I. 2001/2383, amended by S.I. 2011/1613.

(b) S.I. 2001/2509.

(c) S.I. 2001/3591 (S.19).

(d) S.I. 2001/3625, amended by S.I. 2007/3255 and 2009/1390.

(e) “Appropriate regulator” is defined for the purposes of Part 7 of the Financial Services and Markets Act 2000 by section 103A of that Act, as inserted by Schedule 6 to the Financial Services Act 2012.

### **Transitional provisions in relation to the Financial Services and Markets Act 2000 (Control of Business Transfers) (Requirements on Applicants) Regulations 2001**

**63.** For the purposes of the Financial Services and Markets Act 2000 (Control of Business Transfers) (Requirements on Applicants) Regulations 2001, where the PRA is the appropriate regulator within the meaning of Part 7 of the Financial Services and Markets Act 2000—

- (a) any approval of any notice given before 1st April 2013 by the Financial Services Authority under regulations 3 or 5 of those regulations is to be treated as approval given by the Prudential Regulation Authority;
- (b) any document given before 1st April 2013 to the Financial Services Authority is to be treated as having been given to the Prudential Regulation Authority.

### **The Financial Services and Markets Act 2000 (Control of Transfers of Business Done at Lloyd's) Order 2001**

**64.** In article 4(c) of the Financial Services and Markets Act 2000 (Control of Transfers of Business Done at Lloyd's) Order 2001(a), for “Authority” substitute “PRA”.

### **Transitional provision in relation to the Financial Services and Markets Act 2000 (Control of Transfers of Business Done at Lloyd's) Order 2001**

**65.** For the purposes of article 4(c) of the Financial Services and Markets Act 2000 (Control of Transfers of Business Done at Lloyd's) Order 2001, any document given before 1st April 2013 to the Financial Services Authority is to be treated as having also been given to the Prudential Regulation Authority.

### **The Financial Services and Markets Tribunal (Legal Assistance) Regulations 2001**

**66.** In regulation 2 of the Financial Services and Markets Tribunal (Legal Assistance) Regulations 2001(b) in the definition of “the Authority”, for “Financial Services Authority” substitute “Financial Conduct Authority”.

### **The Financial Services and Markets Tribunal (Legal Assistance Scheme—Costs) Regulations 2001**

**67.** In regulation 2 of the Financial Services and Markets Tribunal (Legal Assistance Scheme—Costs) Regulations 2001(c), in the definition of “the Authority”, for “Financial Services Authority” substitute “Financial Conduct Authority”.

### **The Bankruptcy (Financial Services and Markets Act 2000) Rules 2001**

**68.** In rule 2 of the Bankruptcy (Financial Services and Markets Act 2000) Rules 2001(d), for the definition of “the Authority” substitute—

““the Authority” in relation to an individual means—

- (a) if the individual is a PRA-authorized person or was carrying on a PRA-regulated activity in contravention of the general prohibition, the FCA or the PRA,
- (b) in any other case, the FCA,

and terms used in this definition which are defined in the Act have the meaning given in the Act;”.

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(a) S.I. 2001/3626, amended by S.I. 2008/1725.

(b) S.I. 2001/3632, amended by S.I. 2010/22.

(c) S.I. 2001/3633.

(d) S.I. 2001/3634.

## **The Insurers (Winding Up) Rules 2001**

**69.** In rule 2 of the Insurers (Winding Up) Rules 2001(a) (interpretation), in the definition of “the Authority”, for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”.

## **The Financial Services and Markets Act 2000 (Miscellaneous Provisions) Order 2001**

**70.** In the Financial Services and Markets Act 2000 (Miscellaneous Provisions) Order 2001(b)—

- (a) in article 18 (duty of auditors to communicate matters to the Authority) for “the Authority”—
  - (i) in the first place those words appear in paragraph (3), substitute “the FCA or, if the person concerned is or was a PRA-authorized person, or would have been a PRA-authorized person if the person was an authorized person on 1st April 2013, the PRA”;
  - (ii) in the second place those words appear in paragraph (3), substitute “that regulator”;
  - (iii) in the heading, substitute “the regulator”;
- (b) in article 22 (transfer of liabilities), for “Authority” substitute “FCA”;
- (c) in article 24 (exemption from liability in damages)—
  - (i) in paragraph (5), for “Authority” substitute “FCA”;
  - (ii) in paragraph (6)—
    - (aa) for “Authority’s functions for the purposes of paragraph 19 of Schedule 1” substitute “FCA’s functions for the purposes of paragraph 25 of Schedule 1ZA and the PRA’s functions for the purposes of paragraph 33 of Schedule 1ZB”;
    - (bb) for “the Authority” substitute “that regulator”;
- (d) for article 25 substitute—

### **“Fees for the exercise of certain authority functions**

**25.—(1)** For the purposes of paragraph 23 of Schedule 1ZA (fees) the functions of the FCA specified by paragraph (3) are to be treated as functions of the FCA under the Act.

(2) For the purposes of paragraph 31 of Schedule 1ZB (fees) the functions of the PRA specified by paragraph (3) are to be treated as functions of the PRA under the Act.

(3) The functions are the functions of the relevant regulator—

- (a) under the Financial Services Act (other than Part IV of that Act);
- (b) under the Banking Act;
- (c) under the 2BCD Regulations;
- (d) under the ISD Regulations;
- (e) as a result of any saving made by or under the Act from the effect of any repeal or revocation so made.

(4) For the purposes of paragraph 23 of Schedule 1ZA expenditure incurred in meeting a liability—

- (a) transferred to the FCA by virtue of paragraph (1) of article 22 or of article 21, or
- (b) arising from the exercise by the FCA of its functions as the competent authority under Part 4 of the Financial Services Act,

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(a) S.I. 2001/3635.

(b) S.I. 2001/3650.

is to be treated as having been incurred in connection with the discharge by the FCA of functions under the Act.”;

(e) in article 28 (the Contracting Out Order)—

(i) in paragraph (2), for “the Authority” substitute “the Financial Services Authority”;

(ii) after paragraph (2) insert—

“(2A) On 1st April 2013 the rights, obligations and liabilities of the Financial Services Authority under any such contract transfer to—

(a) the PRA, to the extent that the right, obligation or liability relates to a matter relevant to prudential regulation,

(b) in any other case, the FCA.

(2B) Any obligation of the FCA under such a contract which continues to have effect after 1st April 2013 is to be treated as a function conferred on the FCA by or under a provision of the Act for the purposes of Schedule 1ZA.

(2C) Any obligation of the PRA under such a contract which continues to have effect after 1st April 2013 is to be treated as a function conferred on the PRA by or under a provision of the Act for the purposes of Schedule 1ZB.”;

(iii) omit paragraph (3);

(iv) in paragraph (4), for “Authority” substitute “FCA or the PRA”;

(v) in paragraph (5), for “Authority”—

(aa) in the first place it appears substitute “Financial Services Authority”;

(bb) in the second place it appears substitute “Financial Services Authority, FCA or PRA”.

### **The Friendly Societies Act 1974 (Seal of the Financial Services Authority) Regulations 2001**

**71.** In the Friendly Societies Act 1974 (Seal of the Financial Services Authority) Regulations 2001(a), for “Financial Services Authority”, in each place, substitute “Financial Conduct Authority”.

### **Transitional provision in relation to the Friendly Societies Act 1974 (Seal of the Financial Services Authority) Regulations 2001**

**72.** A document sealed in accordance with the Friendly Societies Act 1974 (Seal of the Financial Services Authority) Regulations 2001 as they applied before 1st April 2013 is to be treated, where appropriate, as sealed in accordance with those Regulations as they applied on that date.

### **The Uncertificated Securities Regulations 2001**

**73.** In the Uncertificated Securities Regulations 2001(b)—

(a) in regulation 3(1) (interpretation), omit the definition of “the Authority”;

(b) in regulation 9(injunctions and restitution orders)—

(i) in paragraph (7), for “the Authority” substitute “the appropriate regulator”,

(ii) after paragraph (12) insert—

“(13) In this regulation, the “appropriate regulator” means whichever of the Prudential Regulation Authority or the Financial Conduct Authority is the appropriate regulator under

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(a) S.I. 2001/3729. Regulation 2 is amended by the Co-operative and Community Benefit Societies and Credit Unions Act 2010 (c.7), section 2; that section was not in force on the date this instrument was made.

(b) S.I. 2001/3755, amended by S.I. 2001/3755, S.I. 2007/124, S.I. 2010/2628 and S.I. 2012/917.

section 382(a) of the 2000 Act.”;

- (c) in paragraph 28(4) of Schedule 1 (requirements for approval of a person as operator: access to central counterparty, clearing and settlement facilities) for the definition of “UK firm” substitute—

““UK firm” means an investment firm or credit institution which has a permission given (or having effect as if given) by the Financial Conduct Authority or the Prudential Regulation Authority under Part 4A of the 2000 Act to carry on one or more regulated activities.”.

### **The Insurers (Winding Up) (Scotland) Rules 2001**

**74.** In rule 2 of the Insurers (Winding Up) (Scotland) Rules 2001(b), in the definition of “the Authority”, for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”.

### **The Welsh Language Schemes (Public Bodies) Order 2002**

**75.** In the table in the Schedule to the Welsh Language Schemes (Public Bodies) Order 2002(c)—

- (a) for “Financial Services Authority” substitute “Prudential Regulation Authority”,  
(b) for “Awdurdod Gwasanaethau Ariannol” substitute “Awdurdod Rheoleiddio Darbodus”,  
(c) after the row relating to “Awdurdod Strategol y Rheilffyrdd” and “Strategic Rail Authority” insert—

“Awdurdod Ymddygiad Ariannol	Financial Conduct Authority”
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### **The Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002**

**76.** In the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002(d)—

- (a) in article 1(2), after the definition of “the Act” insert—  
““the Authority” means the Financial Services Authority;”;
- (b) omit article 4 (application of definition of “consumer” to customers of credit unions before commencement);
- (c) in article 12 (verification of continued provisions)—  
(i) in paragraph (1), for “section 154” substitute “section 138H”;  
(ii) in paragraph (2), for “the Authority’s staff” substitute “staff of the Financial Services Authority, the Financial Conduct Authority or the Prudential Regulation Authority”;  
(iii) in paragraph (6) for “Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (d) in article 14 (guidance on continued provisions)—  
(i) for “Authority” in each place substitute “FCA”;  
(ii) for “section 157(3)” substitute “section 139A(5)”;  
(iii) for “section 2” substitute “section 1B”;

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(a) Section 382 of FSMA 2000 was amended by S.I. 2007/126, S.I. 2011/1613, S.I. 2012/1906, S.I. 2012/2554 and by paragraph 21 of Schedule 9 to the Financial Services Act 2012.

(b) S.I. 2001/4040 (S.21).

(c) S.I. 2002/1441.

(d) S.I. 2002/1501.

- (e) in article 16 (cost benefit analyses), for “Authority” in each place substitute “FCA”.

### **The Electronic Commerce Directive (Financial Services and Markets) Regulations 2002**

**77.**—(1) The Electronic Commerce Directive (Financial Services and Markets) Regulations 2002(a) are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “the Authority” for “Financial Services Authority” substitute “Financial Conduct Authority”.

(3) In the heading to Part 2, for “Financial Services Authority” substitute “Financial Conduct Authority”.

(4) In regulation 3 (consumer contract requirements: modification of rule-making powers)—

- (a) in paragraph (1), for “section 138” substitute “section 137A”;
- (b) in paragraph (2)(a), for “138(4), (5) and (7) to (9), 148, 150 and 156” substitute “137A(3) and (4), 137T, 138A and 138D”;
- (c) omit paragraph (3);
- (d) in paragraphs (4), (4A) and (7), for “the Authority under section 138” substitute “the Authority under section 137A”.

(5) In regulation 6(4) (direction)—

- (a) for “in subsection (3) of section 48” substitute “in subsection (4) of section 55P”;
- (b) for “section 45” substitute “section 55L”.

(6) In regulation 7 (policy conditions), in paragraph (a)(i)(cc) for “regulatory objectives set out in Part 1 of the 2000 Act” substitute “Authority’s operational objectives (as specified by section 1B(3) of the 2000 Act)”.

(7) In regulation 12 (application of certain provisions of the 2000 Act)—

- (a) in paragraph (2)—
  - (i) for “sections 380,” substitute “sections 1L, 380,”;
  - (ii) omit “, paragraph (6) of Schedule 1(b) to,”;
- (b) in paragraph (4), for “sections 132 and 133” substitute “sections 133 and 133A”.

### **The Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002**

**78.** In regulation 2 of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002(c) (power of the Authority to make rules under section 138 of the Financial Services and Markets Act 2000)—

- (a) for the heading substitute “Power of the Financial Conduct Authority to make rules under section 137A of the Financial Services and Markets Act 2000”;
- (b) in paragraph (1), for “the Authority under section 138 of the Financial Services and Markets Act 2000 (“the 2000 Act”) (general rule-making power)” substitute “the Financial Conduct Authority under section 137A of the Financial Services and Markets Act 2000 (“the 2000 Act”) (The FCA’s general rules)”.

### **The Insolvency (Northern Ireland) Order 2002**

**79.** In the Insolvency (Northern Ireland) Order 2002(d), in article 2(3) (interpretation) for “the Financial Services Authority” substitute “the Financial Conduct Authority and the Prudential

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(a) S.I. 2002/1775, to which there are amendments not relevant to this Order.  
(b) Schedule 1 of FSMA 2000 was repealed by section 6(2) of the Financial Services Act 2012.  
(c) S.I. 2002/2706.  
(d) S.I. 2002/3152 (N.I. 6).

Regulation Authority”.

### **The Proceeds of Crime Act 2002 (Disclosure of Information to and by Lord Advocate and Scottish Ministers) Order 2003**

**80.** In article 3(b) of the Proceeds of Crime Act 2002 (Disclosure of Information to and by Lord Advocate and Scottish Ministers) Order 2003(a), for “Financial Services Authority” substitute “Financial Conduct Authority, the Prudential Regulation Authority or the Bank of England”.

### **The Energy (Northern Ireland) Order 2003**

**81.** In article 63 of the Energy (Northern Ireland) Order 2003(b) (general restrictions on disclosure of information)—

- (a) in paragraph (5)(j) for “Financial Services Authority.” substitute “Financial Conduct Authority;”;
- (b) after paragraph (5)(j) insert—
  - “(k) the Prudential Regulation Authority.”.

### **The Financial Services and Markets Act 2000 (Communications by Actuaries) Regulations 2003**

**82.**—(1) The Financial Services and Markets Act 2000 (Communications by Actuaries) Regulations 2003(c) are amended as follows.

(2) In regulation 1(2) (interpretation), in the definition of “relevant requirement”, for “Authority” substitute “FCA or the PRA”.

(3) In regulation 2 (circumstances in which an actuary is to communicate), for “the Authority”—

- (a) in paragraph 1(a), substitute “the FCA or, as the case may be, the PRA”;
- (b) in paragraphs (2) and (3), substitute “the FCA or, as the case may be, the PRA”;
- (c) in paragraph (4)—
  - (i) in sub-paragraph (a)—
    - (aa) in the first place it appears, substitute “the FCA or the PRA”;
    - (bb) in the second place it appears, substitute “that regulator”;
  - (ii) in sub-paragraph (b), substitute “the FCA or the PRA”.

### **Transitional provision in relation to the Financial Services and Markets Act 2000 (Communications by Actuaries) Regulations 2003**

**83.** For the purposes of the Financial Services and Markets Act 2000 (Communications by Actuaries) Regulations 2003 any obligation under regulation 2 of those Regulations to supply information or an opinion to the Prudential Regulation Authority is to be treated as satisfied if the information or opinion was provided before 1st April 2013 to the Financial Services Authority.

### **The Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003**

**84.** In the Schedule to the Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003(d), in the second column in the entry beginning “Financial Services (Distance

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(a) S.S.I. 2003/93.

(b) S.I. 2003/419 (N.I. 6).

(c) S.I. 2003/1294.

(d) S.I. 2003/1374, amended by S.I. 2002/2095.



Marketing) Regulations 2004”, for “Financial Services Authority” substitute “Financial Conduct Authority”.

### **The Land Registration Rules 2003**

**85.** In Schedule 5 to the Land Registration Rules 2003(a)—

- (a) omit the entry beginning “Director of Enforcement at the Financial Services Authority”,
- (b) at the appropriate place insert the following entries—

“A Head of Department in the Enforcement and Financial Crime Division of the Financial Conduct Authority or a member of staff of the Financial Conduct Authority authorised to apply on behalf of a Head of Department.	Certificate Q
A person authorised to apply on behalf of the Bank of England.	Certificate Q
The Head of Regulatory Action in the Prudential Regulation Authority or a member of staff of the Prudential Regulation Authority authorised to apply on behalf of the Head of Regulatory Action.	Certificate Q”

### **The Freedom of Information (Additional Public Authorities) Order 2003**

**86.** In Schedule 1 to the Freedom of Information (Additional Public Authorities) Order 2003(b)—

- (a) for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (b) after “The Pesticides Residues Committee.” insert—  
“The Prudential Regulation Authority.”.

### **The Open-Ended Investment Companies Regulations (Northern Ireland) 2004**

**87.**—(1) The Open-Ended Investment Companies Regulations (Northern Ireland) 2004(c) are amended as follows.

(2) For each reference to “FSA rules” (including in the headings to regulations 6 and 7), substitute “FCA rules”.

(3) In regulation 2 (interpretation), after the definition of “authorisation order” insert—

““the Authority” means the FCA;”.

(4) In regulation 7 (modification or waiver of FSA rules)—

- (a) in paragraph (3)—
  - (i) for “Section 148(3) to (9) and (11) of the Act” substitute “Sections 138A(3) to (7) and 138B of the Act”;
  - (ii) for “section 148(2)” substitute “section 138A(1)”;
  - (iii) omit subparagraph (a) and (b);
  - (iv) for “subsection (7)(b)” substitute “section 138B(3)(c)”;

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(a) S.I. 2003/1417, amended by S.I. 2008/1919.

(b) S.I. 2003/1882.

(c) S.I. 2004/335.

- (b) in paragraph (4)—
  - (i) for “Section 148(3) to (9) and (11) of the Act” substitute “Sections 138A(3) to (7) and 138B of the Act”;
  - (ii) for “section 148(2)” substitute “section 138A(1)”;
  - (iii) in sub-paragraph (a)—
    - (aa) for “subsection (4)(a)” substitute “section 138A(4)(a)”;
    - (bb) omit “authorised”;
  - (iv) in sub-paragraph (b)—
    - (aa) for “subsections (7)(b), (8) and (11)” substitute “section 138B(3)(c) and (5)”;
    - (bb) for “authorised person” substitute “person concerned”;
  - (v) in sub-paragraph (c), for “subsection (7)(b)” substitute “section 138B(3)(c)”;
  - (vi) in sub-paragraph (d)—
    - (aa) for “subsection (9)” substitute “section 138A(7)”;
    - (bb) for “authorised person” substitute “person to whom the direction relates”.
- (5) In regulation 10 (the Authority’s procedures)—
  - (a) for “(the Authority’s procedures)” substitute “(the FCA’s and PRA’s procedures)”;
  - (b) in the heading, for “Authority’s” substitute “regulator’s”.
- (6) In regulation 25(6) (directions) for “section 150” substitute “section 138D”.
- (7) In regulation 27(15) (procedure on giving directions under regulation 25 and varying them on Authority’s own initiative) for “(the Authority’s procedures)” substitute “(the FCA’s and PRA’s procedures)”.
- (8) In regulation 42(6) (restraint and ratification by shareholders), for “section 150” substitute “section 138D”.
- (9) In regulation 79 (contraventions), for “section 138 of the Act (general rule-making power)” substitute “section 137A of the Act (FCA’s general rules)”.

#### **The Insurers (Reorganisation and Winding Up) Regulations 2004**

##### **88. In the Insurers (Reorganisation and Winding Up) Regulations 2004(a)—**

- (a) in regulation 2(1) (interpretation)—
  - (i) omit the definition of “the Authority”;
  - (ii) at the appropriate places insert—
    - ““the FCA” means the Financial Conduct Authority;
    - “the PRA” means the Prudential Regulation Authority;
    - “PRA-authorized person” has the meaning given in section 2B of the 2000 Act;”
- (b) in regulation 2(5), for “Authority” substitute “FCA or the PRA”;
- (c) in the heading to regulation 9 (notification of relevant decision to Authority) and in regulation 9(1) to (4), for “Authority” in each place it appears substitute “FCA and, if the insurer is a PRA-authorized person, the PRA”;
- (d) for regulation 9(6) substitute—
  - “(6) Paragraphs (1), (2) and (3) do not require the FCA to be informed in any case where the FCA was represented at all hearings in connection with the application in relation to which the decision, order or appointment is made.

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(a) S.I. 2004/353, to which there are amendments not relevant to this Order.

(6A) Paragraphs (1), (2) and (3) do not require the PRA to be informed in any case where the PRA was represented at all hearings in connection with the application in relation to which the decision, order or appointment is made.”;

- (e) in regulation 10(1) and (2) (notification of relevant decision to EEA regulators), for “the Authority”—
  - (i) in the first place it appears, substitute “the FCA or the PRA”;
  - (ii) in the second place it appears, substitute “that authority”;
- (f) in regulation 12(11) (notification to creditors: winding up proceedings), for “and the Authority” in both places it appears substitute “, the FCA and, if the insurer is a PRA-authorised person, the PRA”;
- (g) in regulation 16 (disclosure of confidential information received from an EEA regulator), for “Authority” substitute “FCA or the PRA”;
- (h) in regulation 50 (disclosure of confidential information: third country insurers), for “Authority” substitute “FCA or the PRA”.

#### **The Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order 2004**

**89.** In the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order 2004(a)—

- (a) for “Authority” in each place substitute “FCA”;
- (b) in article 12 (application of rules etc to relevant matters) in paragraph (1), for “sections 155 and 157(3)” substitute “sections 138I and 139A(5)”.

#### **The Crime (International Co-operation) Act 2003 (Designation of Prosecuting Authorities) Order 2004**

**90.** In article 2(2) of the Crime (International Co-operation) Act 2003 (Designation of Prosecuting Authorities) Order 2004(b), for “the Financial Services Authority;” substitute—

“the Financial Conduct Authority;  
the Bank of England;  
the Prudential Regulation Authority;”.

#### **The Credit Institutions (Reorganisation and Winding Up Regulations) 2004**

**91.** In the Credit Institutions (Reorganisation and Winding Up Regulations) 2004(c)—

- (a) in regulation 2(1) (interpretation)—
  - (i) omit the definition of “the Authority”;
  - (ii) at the appropriate places insert—
    - ““the FCA” means the Financial Conduct Authority;”
    - ““the PRA” means the Prudential Regulation Authority;”
    - ““PRA-authorised person” has the meaning given in section 2B of the 2000 Act;”;
- (b) in regulation 2(5), for “Authority” substitute “FCA or the PRA”;
- (c) in regulation 8 (consultation of the Authority prior to a voluntary winding up) and in the heading to that regulation, for “Authority” substitute “FCA and, if the institution is a PRA-authorised person, the PRA”;

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(a) S.I. 2004/454; amended by S.I. 2004/1609.

(b) S.I. 2004/1034, amended by S.I. 2004/1747, S.I. 2005/1130, S.I. 2009/2748 and S.I. 2012/146.

(c) S.I. 2004/1045.

- (d) in the heading to regulation 9 (notification of relevant decision to Authority) and in regulation 9(1) to (4), for “Authority” in each place it appears substitute “FCA and, if the institution is a PRA-authorised person, the PRA”;
- (e) for regulation 9(5) substitute—
  - “(5) Paragraphs (1), (2) and (3) do not require the FCA to be informed in any case where the FCA was represented at all hearings in connection with the application in relation to which the decision, order or appointment is made.
  - (5A) Paragraphs (1), (2) and (3) do not require the PRA to be informed in any case where the PRA was represented at all hearings in connection with the application in relation to which the decision, order or appointment is made.”;
- (f) in regulation 10(1) and (2) (notification to EEA regulators), for “the Authority”—
  - (i) in the first place it appears, substitute “the FCA or the PRA”;
  - (ii) in the second place it appears, substitute “that authority”;
- (g) in regulation 10(3), for “Authority” substitute “FCA or the PRA”;
- (h) in regulation 11(3) (withdrawal of authorisation)—
  - (i) for “the Authority”—
    - (aa) in the first place it appears, substitute “the FCA or the PRA”;
    - (bb) in the second place it appears, substitute “that authority”;
  - (ii) for “section 45” substitute “section 55J”;
- (i) in regulation 14(9) (notification to creditors: winding up proceedings) , for “and the Authority” in both places it appears substitute “, the FCA and, if the institution is a PRA-authorised person, the PRA”;
- (j) in regulation 18(1)(b) (disclosure of confidential information received from an EEA regulator), for “Authority” substitute “FCA or the PRA”;
- (k) in regulation 38(2)(a) (disclosure of confidential information: third country credit institution), for “Authority” substitute “FCA or the PRA”.

**Transitional provision in relation to the Credit Institutions (Reorganisation and Winding up Regulations) 2004**

**92.** For the purposes of the Credit Institutions (Reorganisation and Winding up Regulations) 2004—

- (a) where, before 1st April 2013—
  - (i) notice was given to the Financial Services Authority for the purposes of regulation 8, and
  - (ii) the resolution was not passed,
 the notice is to be treated as if it had also been given to the Prudential Regulation Authority;
- (b) any obligation to inform the Prudential Regulation Authority, or to cause the Prudential Regulation Authority to be informed, which arose under regulation 9 before 1st April 2013, is to be treated as satisfied if the information was given to the Financial Services Authority;
- (c) regulation 11(3) applies in addition to the circumstances specified in that provision, where the Financial Services Authority, before 1st April 2013—
  - (i) was informed of a qualifying decision, qualifying order or qualifying appointment, and
  - (ii) did not exercise its power under section 45 of the Financial Services and Markets Act 2000 to vary or to cancel the UK credit institution’s permission under Part 4 of that Act to accept deposits or to issue electronic money as the case may be;

- (d) any obligation to inform the Authority which arose under regulation 14(9) before 1st April 2013 is to be treated as satisfied if the information was given to the Financial Service Authority, and the obligation under regulation 14(1) shall apply as from the date on which the court and the Financial Services Authority were informed.

#### **The Child Trust Funds Regulations 2004**

**93.** In the Child Trust Funds Regulations 2004(a)—

- (a) in regulation 2(1)(b) (interpretation)—
- (i) for the definition of “non-UCITS retail scheme”, substitute—  
““non-UCITS retail scheme”—
- (a) has the meaning in COLL (that is, a scheme to which, or to whose authorised fund manager and depositary, sections 5.1, 5.4 and 5.6 of COLL apply),
- (b) includes a “recognised scheme” by virtue of section 270 or 272 of FISMA 2000, which would fall within paragraph (a) of this definition if it were an authorised fund, and
- (c) includes a sub-fund of an umbrella which the terms of the scheme identify as a sub-fund which would fall within paragraph (a) or (b) of this definition if it were itself an authorised fund or a recognised scheme.
- In this definition, expressions defined in the Glossary of the Financial Conduct Authority Handbook have those defined meanings;”;
- (ii) in the definition of “qualifying units in or shares of a non-UCITS retail scheme”—
- (aa) for “Collective Investment Schemes Sourcebook” substitute “COLL”;
- (bb) for “that Sourcebook”, substitute “ the COLL”;
- (cc) for “Rule” or “Rules”, in each place in which those words appear, substitute “section” or “sections”;
- (b) in regulation 2(1)(c) (interpretation)—
- (i) in the definition of “authorised fund”, omit “by the Financial Services Authority”;
- (ii) in the definition of “authorised unit trust”, omit “made by the Financial Services Authority”;
- (iii) for the definition of “the Collective Investment Schemes Sourcebook” substitute—  
““COLL” means the Collective Investment Schemes Sourcebook made by the Financial Conduct Authority under FISMA 2000;”;
- (iv) in the definition of “recognised UCITS” for “Collective Investments Scheme Sourcebook (see in particular COLL 1.2.2.)” substitute “COLL”;
- (v) in the definition of “UK UCITS”—
- (aa) for “authorised under section 31(1)(a) of FISMA 2000” substitute “with Part 4A permission under FISMA 2000”;
- (bb) for “Collective Investments Scheme Sourcebook (see in particular COLL 1.2.2.)” substitute “COLL”;
- (vi) in the definition of “umbrella scheme”, for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (c) in regulation 11(1) (general investment rules)—
- (i) in sub-paragraph (a)—
- (aa) for “rules” substitute “paragraphs”;
- (bb) for “Collective Investment Schemes Sourcebook” substitute “COLL”;

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(a) S.I. 2004/1450, amended by S.I. 2005/ 3349 and 2010/582.

- (ii) in sub-paragraph (b)—
  - (aa) for “rules” substitute “paragraphs”;
  - (bb) for “Collective Investment Schemes Sourcebook” substitute “COLL”;
- (d) in regulation 14 (account provider – qualifications and Board’s approval)—
  - (i) in paragraph (2)(d)(i), for “section 31(1)(a) or (c) of, or Schedule 5 to, the Financial Services and Markets Act 2000”, substitute “FISMA 2000”;
  - (ii) for paragraph (2)(e) substitute—
    - “(e) an account provider must not be prevented from acting as such by any requirement imposed under Part 4A of FISMA 2000, or by any prohibition or prohibition order in or made under that Act; and”.

#### **The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004**

**94.** In the Annex to Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004(a) for “Financial Services Authority” substitute—

“Financial Conduct Authority.

Prudential Regulation Authority.

The Bank of England in its capacity as a regulator of recognised clearing houses within the meaning of the Financial Services and Markets Act 2000.”.

#### **The Financial Conglomerates and Other Financial Groups Regulations 2004**

**95.**—(1) The Financial Conglomerates and Other Financial Groups Regulations 2004(b) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), in the appropriate place, insert—

““regulator” means the Financial Conduct Authority or the Prudential Regulation Authority;”.

(3) In regulation 2 (notification of identification as a financial conglomerate and choice of co-ordinator)—

(a) in paragraph (1)—

(i) for “the Authority” in the first place it appears substitute “a regulator”;

(ii) after sub-paragraph (a), insert—

“(aa) the other regulator;”;

(iii) for “the Authority” in the second place it appears substitute “the regulator”;

(b) in paragraph (2)(a), for “the Authority” substitute “a regulator”;

(c) in paragraph (2)(b), for “the Authority” substitute “that regulator”;

(d) in paragraph (3), for “the Authority”, in both places it appears, substitute “the regulator”.

(4) In regulation 3 (exercise of functions under Part IV of the Act for the purposes of carrying on supplementary supervision)—

(a) for “the Authority”, in the first place those words appear, substitute “a regulator”;

(b) for “the Authority” in the second and third place those words appear, substitute “that regulator”;

(c) in paragraph (2), for “Section 49(2)” substitute “Section 55R(2)”.

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(a) S.I. 2004/1861, amended by S.I. 2010/131, S.I. 2011/2581, S.I. 2012/725, S.I. 2012/1479 and S.I. 2012/1641.

(b) S.I. 2004/1862, amended by S.I. 2006/3221, S.I. 2007/126, S.I. 2010/2628, S.I. 2011/1043, S.I. 2011/1613, S.I. 2012/916 and S.I. 2012/917.

- (5) In regulation 4 (exercise of functions under section 148 of the Act for the purposes of carrying on supplementary supervision)—
- (a) in paragraph (1)—
    - (i) for “the Authority” substitute “a regulator”;
    - (ii) for “section 148” substitute “section 138A”;
  - (b) in paragraph (2), for “the Authority”—
    - (i) in the first place it appears, substitute “a regulator”;
    - (ii) in the second place it appears, substitute “the regulator”;
  - (c) in the heading to regulation 4, for “section 148” substitute “section 138A”.
- (6) In regulation 5 (consultation in case of major sanctions or exceptional measures)—
- (a) in paragraph (1) for “the Authority” substitute “a regulator”;
  - (b) in paragraph (2) for “Authority”, in both places it appears, substitute “relevant regulator”;
  - (c) in paragraph (3) for “Authority” substitute “relevant regulator”.
- (7) In regulation 6 (Authority functions and service of notices)—
- (a) in paragraph (1)—
    - (i) for “the Authority”, in the first place it appears, substitute “a regulator”;
    - (ii) for “Authority”, in the second place it appears, substitute “regulator”;
  - (b) in the heading to regulation 6, for “Authority” substitute “Regulator”.
- (8) In regulation 8 (supervision of third-country financial conglomerates)—
- (a) in paragraphs (1), (2) and (4), for “the Authority” each place it appears substitute “a regulator”;
  - (b) in paragraph (2)(b), for “section 148” substitute “section 138A”;
  - (c) in paragraph (3), for “the Authority”—
    - (i) in the first place it appears, substitute “a regulator”;
    - (ii) in each other place it appears, substitute “that regulator”.
- (9) In regulation 9 (supervision of third-country banking groups)—
- (a) in paragraphs (1), (2), (4) and (5), for “the Authority” in each place it appears, substitute “a regulator”;
  - (b) in paragraph (2)(b), for “section 148” substitute “section 138A”;
  - (c) in paragraph (3), for “the Authority”—
    - (i) in the first place it appears, substitute “a regulator”;
    - (ii) in each other place it appears, substitute “that regulator”.
- (10) In regulation 10 (supervision of third-country groups subject to the capital adequacy directive)—
- (a) in paragraphs (1), (2), (3), (5) and (6), for “the Authority” in each place it appears, substitute “a regulator”;
  - (b) in paragraph (3)(b), for “section 148” substitute “section 138A”;
  - (c) in paragraph (4), for “the Authority”—
    - (i) in the first place it appears, substitute “a regulator”;
    - (ii) in each other place it appears, substitute “that regulator”.
- (11) In regulation 12 (obtaining information – avoidance of duplication of reporting)—
- (a) for “the Authority” in paragraph (1) and in the first place it appears in paragraph (2), substitute “a regulator”;
  - (b) for “the Authority”, in the second place it appears in paragraph (2), substitute “that regulator”.

- (12) In regulation 15 (extension of power to vary Part IV permissions)—
- (a) for “the Authority”, in the first place it appears, substitute “a regulator”;
  - (b) in paragraph (1), for “own-initiative power (within the meaning of section 45 of the Act (variation etc on the Authority’s own initiative))” substitute “own-initiate variation power or own-initiative requirement power (within the meaning of Part 4A of the Act)”;
  - (c) in paragraph (2)—
    - (i) for “The Authority” substitute “A regulator”;
    - (ii) for “section 44(1) of the Act (variation etc at request of authorised person)” substitute “sections 55H(2), 55I(1), 55L(5)(b) or (c) or 55M(5)(b) or (c) of the Act”;
    - (iii) for “section 40” substitute “section 55A”;
  - (d) in paragraph (3)—
    - (i) for “the Authority” substitute “a regulator”;
    - (ii) for “subsection (2) of section 41” substitute “subsection (3) of section 55B”.

#### **Transitional provision in relation to the Financial Conglomerates and Other Financial Groups Regulations 2004**

**96.** Anything done for the purpose of the Financial Conglomerates and Other Financial Groups Regulations 2004 by or in relation to the Financial Services Authority prior to 1st April 2013 in relation to a financial conglomerate is to be treated as having been done by or in relation to the Prudential Regulation Authority, where—

- (a) the Prudential Regulation Authority is, on 1st April 2013, the co-ordinator of that financial conglomerate; and
- (b) before 1st April 2013 the Financial Services Authority was the co-ordinator of that financial conglomerate.

#### **The Financial Services (Distance Marketing) Regulations 2004**

**97.** In regulation 2(1) of the Financial Services (Distance Marketing) Regulations 2004(a)—

- (a) in the definition of “the Authority”, for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (b) in the definition of “authorised person”, omit “section 31(2) of”.

#### **The Financial Services and Markets Act 2000 (Stakeholder Products) Regulations 2004**

**98.** In regulation 2(1) (interpretation) of the Financial Services and Markets Act 2000 (Stakeholder Products) Regulations 2004(b)—

- (a) omit the definition of “the Conduct of Business Rules”;
- (b) for the definition of “dilution levy” substitute—
  - ““dilution levy” has the meaning given by the Financial Conduct Authority Handbook made by the Financial Conduct Authority under the 2000 Act;”;
- (c) for the definition of “land and buildings” substitute—
  - ““land and buildings” means interests in any land or buildings which satisfy the conditions in paragraph 5.6.18 of the Collective Investment Schemes Sourcebook made by the Financial Conduct Authority under the 2000 Act;”.

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(a) S.I. 2004/2095.  
 (b) S.I. 2004/2738.



### **The Pension Protection Fund (PPF Ombudsman) Order (Northern Ireland) 2005**

**99.** In Article 5(2) (restrictions on the disclosure of information) of the Pension Protection Fund (PPF Ombudsman) Order (Northern Ireland) 2005(a), for sub-paragraph (e) substitute—

- “(e) the Financial Conduct Authority;
- (ea) the Prudential Regulation Authority;”.

### **The Independent Health Care Regulations (Northern Ireland) 2005**

**100.** In regulation 2 (interpretation) of the Independent Health Care Regulations (Northern Ireland) 2005(b), in the definition of “insurance provider”, for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”.

### **The Pensions (Northern Ireland) Order 2005**

**101.** In Schedules 3 and 7 to the Pensions (Northern Ireland) Order 2005(c), for the entry “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”.

### **The Investment Recommendation (Media) Regulations 2005**

**102.** In regulations 9(3)(c) (dissemination of altered investment recommendations) and 10(c) (dissemination of summaries of investment recommendations) of the Investment Recommendation (Media) Regulations 2005(d), for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”.

### **The Bankruptcy (Financial Services and Markets Act 2000) Rules (Northern Ireland) 2005**

**103.** In rule 2 (interpretation) of the Bankruptcy (Financial Services and Markets Act 2000) Rules (Northern Ireland) 2005(e), for the definition of “the Authority” substitute—

- ““the Authority” means—
- (a) in a case where the individual is a PRA-authorized person or is carrying on a PRA-regulated activity in contravention of section 19 of the Financial Services and Markets Act 2000, the Financial Conduct Authority or the Prudential Regulation Authority;
- (b) in any other case, the Financial Conduct Authority;”.

### **Insurers (Winding-Up) Rules (Northern Ireland) 2005**

**104.** In the Insurers (Winding-Up) Rules (Northern Ireland) 2005(f)—

- (a) in rule 2(1) (interpretation), omit the definition of “the Authority”;
- (b) in rules 5(7), (8)(a) (maintenance of separate financial records for long-term and other business in winding-up) and 16(2) (maintenance of accounting, valuation and other records) and in paragraph 3(2) (present value of additional benefits) of Schedule 2, for “Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”.

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(a) S.R. 2005 No. 135, to which there are amendments not relevant to this Order.  
(b) S.R. 2005 No. 174, amended by S.R. 2011 No. 17.  
(c) S.I. 2005/255 (N.I. 1).  
(d) S.I. 2005/382.  
(e) S.R. 2005 No. 398.  
(f) S.R. 2005 No. 399; there are amending instruments but none is relevant.

### **The Pension Protection Fund (PPF Ombudsman) Order 2005**

**105.** In article 7(2) (restrictions on the disclosure of information) of the Pension Protection Fund (PPF Ombudsman) Order 2005(a), for sub-paragraph (e) substitute—

- “(e) the Financial Conduct Authority;
- (ea) the Prudential Regulation Authority;”.

### **The General Optical Council (Registration Appeals Rules) Order of Council 2005**

**106.** In paragraph 7(2)(d)(ii) (information required from applicants for restoration of registration as a business registrant) of Part 2 of the Schedule to the General Optical Council (Registration Appeals Rules) Order of Council 2005(b), for “Financial Services Authority” substitute “Financial Conduct Authority”.

### **The General Optical Council (Registration Rules) Order of Council 2005**

**107.** In paragraph 8(2)(d)(ii) (information required from applicants for registration or restoration of registration as business registrants) of Part 2 of the Schedule to the General Optical Council (Registration Rules) Order of Council 2005(c), for “Financial Services Authority” substitute “Financial Conduct Authority”.

### **The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005**

**108.** In the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005(d)—

- (a) in article 16(2)(b) (exempt persons), for “by the Authority under section 145” substitute “by the FCA under section 137R”;
- (b) in article 36(c) (nationals of EEA States other than United Kingdom), for “by the Authority under section 145” substitute “by the FCA under section 137R”;
- (c) in article 70(1)(c)(i) (promotions included in listing particulars etc), for “competent authority” substitute “FCA”;
- (d) in Schedule 5 (statements for certified high net worth individuals and self-certified sophisticated investors), for “Financial Services Authority” in each place those words appear substitute “Financial Conduct Authority”.

### **The Insurers (Reorganisation and Winding Up) (Lloyd’s) Regulations 2005**

**109.** In the Insurers (Reorganisation and Winding Up) (Lloyd’s) Regulations 2005(e)—

- (a) in regulation 2(1) (interpretation)—
  - (i) insert in the appropriate places—
    - ““the FCA” means the Financial Conduct Authority;
    - “the PRA” means the Prudential Regulation Authority;”
  - (ii) in the definition of “relevant trust fund”, for “Authority” substitute “FCA or the PRA”;
- (b) in regulation 6 (application for a Lloyd’s market reorganisation order)—
  - (i) in paragraph (1), for “the Authority” substitute “the PRA”;
  - (ii) after paragraph (1) insert—

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(a) S.I. 2005/824; the relevant amending instrument is S.I. 2005/2023.  
(b) S.I. 2005/1477.  
(c) S.I. 2005/1478.  
(d) S.I. 2005/1529, amended by S.I. 2007/2615.  
(e) S.I. 2005/1998; amended by S.I.2007/852 and S.I.2011/1265.

- “(1A) Before making an application under paragraph (1), the PRA must consult the FCA.”;
- (iii) in paragraph (3), for “The Authority” substitute “The FCA, the PRA”;
  - (c) in regulation 7 (powers of the court)—
    - (i) in paragraph (3), for “Authority” in each place it appears substitute “PRA”;
    - (ii) in paragraph (5), for “and the Authority” substitute “, the FCA and the PRA”;
  - (d) in regulation 8(12) (moratorium), for “Authority” substitute “PRA”;
  - (e) in regulation 10 (announcement of appointment of controller), for “the Authority” in each place it appears, substitute “the PRA”;
  - (f) in regulation 11 (market reorganisation plan), for “Authority” in each place it appears substitute “PRA”;
  - (g) in regulation 14 (revocation of an order under regulation 13), for “Authority” substitute “PRA”;
  - (h) in regulation 31 (payments from central funds), for “Authority” in each it appears substitute “PRA”;
  - (i) in the heading to regulation 33 (notification of relevant decision) for “Authority” substitute “PRA”;
  - (j) in regulation 48 (non-EEA countries), for “Authority” in each place it appears substitute “PRA”.

#### **The Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005**

**110.** In each of articles 193(1) (other exemptions) and 205(7)(a) (recoverable property: general exceptions) of the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005(**a**), for “Financial Services Authority” substitute “Financial Conduct Authority, the Prudential Regulation Authority or the Bank of England”.

#### **The Financial Assistance Scheme (Appeals) Regulations 2005**

**111.** In regulation 28(3) (restriction on use of documents and information provided for investigations) of the Financial Assistance Scheme (Appeals) Regulations 2005(**b**), for subparagraph (f) substitute—

- “(f) the Financial Conduct Authority;
- (fa) the Prudential Regulation Authority;
- (fb) the Bank of England;”.

#### **The Insolvency Practitioners Regulations (Northern Ireland) 2006**

**112.** In paragraph 11(4) (inspection and retention requirements related to cover schedule) of Schedule 2 to the Insolvency Practitioners Regulations (Northern Ireland) 2006(**c**), for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”.

#### **The Community Benefit Societies (Restriction on Use of Assets) Regulations 2006**

**113.** In the Community Benefit Societies (Restriction on Use of Assets) Regulations 2006(**d**)—

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(a) S.I. 2005/3181.  
 (b) S.I. 2005/3273, amended by S.I. 2008/2683.  
 (c) S.R. 2006 No. 33.  
 (d) S.I. 2006/264, amended by S.I. 2010/671 and S.I. 2012/700.

- (a) in regulation 2 (interpretation), in the definition of “the Authority”, for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (b) for regulation 8 substitute—

**“Conditions for exercise of enforcement measures**

**8.** In deciding whether and how to exercise the powers conferred by regulations 9, 10 and 11, the Authority—

- (a) must adopt an approach which is based on the principle that those powers should be exercised only to the extent necessary to maintain confidence in community benefit societies; and
- (b) if the society in relation to which the exercise of powers is being considered is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), must consult the Prudential Regulation Authority.”.

**The Permitted Persons (Designation) Order 2006**

**114.** In article 2 (permitted persons designated) of the Permitted Persons (Designation) Order 2006(a), for paragraph (30) substitute—

- “(30) The Financial Conduct Authority;
- (30A) The Prudential Regulation Authority;”.

**The Authorised Investment Funds (Tax) Regulations 2006**

**115.** In the Authorised Investment Funds (Tax) Regulations 2006(b)—

- (a) in regulation 8 (general interpretation), before the definition of “authorised corporate director” insert—
  - ““appropriate regulator” in relation to a person means—
  - (a) in a case where the person is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), the Prudential Regulation Authority or the Financial Conduct Authority;
  - (b) in any other case, the Financial Conduct Authority;”;
- (b) in regulations 14B(4) (tax treatment of qualified investor schemes), 23(2) (provisions applying if amounts available for distribution are de minimis), 69Q(3)(c) and (5)(c) (contents of notice under regulation 69O), 69Z39(1)(a) and (2) (company ceasing to be authorised etc.), 69Z51(3)(e) and (5)(c) (contents of application under regulation 69Z49) and 69Z53(5)(b) (appeal against refusal notice) for “Financial Services Authority” substitute “appropriate regulator”.

**The Cross-Border Insolvency Regulations 2006**

**116.** In the Cross-Border Insolvency Regulations 2006(c)—

- (a) in Schedule 2 (procedural matters in England and Wales)—
    - (i) in paragraph 1—
      - (aa) for sub-paragraph (6) substitute—
- “(6) References in this Schedule to a debtor who is of interest to the Financial Conduct Authority are references to a debtor who—

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(a) S.I. 2006/679, to which there are amendments not relevant to this Order.  
 (b) S.I. 2006/964, amended by S.I. 2008/705, S.I. 2008/3159, S.I. 2009/2036 and S.I. 2010/294.  
 (c) S.I. 2006/1030, amended by S.I. 2009/1941.

- (a) is, or has been, an authorised person within the meaning of the Financial Services and Markets Act 2000;
  - (b) is, or has been, an appointed representative within the meaning of section 39 of the Financial Services and Markets Act 2000; or
  - (c) is carrying on, or has carried on, a regulated activity in contravention of the general prohibition.
- (6A) References in this Schedule to a debtor who is of interest to the Prudential Regulation Authority are references to a debtor who—
- (a) is, or has been, a PRA-authorised person within the meaning of the Financial Services and Markets Act 2000; or
  - (b) is carrying on, or has carried on, a PRA-regulated activity within the meaning of the Financial Services and Markets Act 2000 in contravention of the general prohibition.”;
  - (bb) in sub-paragraph (7), for “sub-paragraph (6)” substitute “sub-paragraphs (6) and (6A)”;
- (ii) in paragraph 21(2)—
- (aa) at the end of paragraph (h) omit “and”;
  - (bb) for paragraph (i) substitute—
- “(i) if the debtor is a debtor who is of interest to the Financial Conduct Authority, on that Authority; and
  - (j) if the debtor is a debtor who is of interest to the Prudential Regulation Authority, on that Authority.”;
- (iii) for paragraph 25(1)(i) substitute—
- “(i) if the debtor is a debtor who is of interest to the Financial Conduct Authority, that Authority;
  - (ia) if the debtor is a debtor who is of interest to the Prudential Regulation Authority, that Authority; and”;
- (iv) for paragraph 26(3)(g) substitute—
- “(g) if the debtor is a debtor who is of interest to the Financial Conduct Authority, to that Authority;
  - (ga) if the debtor is a debtor who is of interest to the Prudential Regulation Authority, to that Authority.”;
- (b) in Schedule 3 (procedural matters in Scotland)—
- (i) in paragraph 1—
  - (aa) for sub-paragraph (3) substitute—
- “(3) References in this Schedule to a debtor who is of interest to the Financial Conduct Authority are references to a debtor who—
- (a) is, or has been, an authorised person within the meaning of the Financial Services and Markets Act 2000;
  - (b) is, or has been, an appointed representative within the meaning of section 39 of the Financial Services and Markets Act 2000; or
  - (c) is carrying on, or has carried on, a regulated activity in contravention of the general prohibition.
- (3A) References in this Schedule to a debtor who is of interest to the Prudential Regulation Authority are references to a debtor who—
- (a) is, or has been, a PRA-authorised person within the meaning of the Financial Services and Markets Act 2000; or

- (b) is carrying on, or has carried on, a PRA-regulated activity within the meaning of the Financial Services and Markets Act 2000 in contravention of the general prohibition.”;
- (bb) in sub-paragraph (4), for “sub-paragraph (3)” substitute “sub-paragraphs (3) and (3A)”;
- (ii) for paragraph 6(1)(i) substitute—
  - “(i) if the debtor is a debtor who is of interest to the Financial Conduct Authority, that Authority;
  - (ia) if the debtor is a debtor who is of interest to the Prudential Regulation Authority, that Authority; and”;
- (iii) for paragraph 7(3)(g) substitute—
  - “(g) if the debtor is a debtor who is of interest to the Financial Conduct Authority, to that Authority;
  - (ga) if the debtor is a debtor who is of interest to the Prudential Regulation Authority, to that Authority; and”;
- (c) in Schedule 5 (forms), in form ML6, for “Financial Services Authority” in each place substitute “Financial Conduct Authority and, where relevant, the Prudential Regulation Authority”.

#### **The Banks (Former Authorised Institutions) (Insolvency) Order 2006**

**117.**—(1) In the Schedule to the Banks (Former Authorised Institutions) (Insolvency) Order 2006 (modifications of Part 2 of the Insolvency Act in its application to companies that are former authorised institutions)(a)—

- (a) in paragraph 4, in the modification of paragraph 12(1) of Schedule B1 to the Insolvency Act 1986—
  - (i) in sub-paragraph (1), for paragraph (d) substitute—
    - “(d) the Financial Conduct Authority,
    - (da) the Prudential Regulation Authority,”;
  - (ii) for sub-paragraph (1A) substitute—
    - “(1A) Where an administration application is made to which the Financial Conduct Authority is not a party, the applicant shall, as soon as is reasonably practicable after the making of the application, give notice of the making of the application to the Financial Conduct Authority.
    - (1B) Where an administration application is made to which the Prudential Regulation Authority is not a party, the applicant shall, as soon as is reasonably practicable after the making of the application, give notice of the making of the application to the Prudential Regulation Authority.”;
- (b) in paragraph 5, in the paragraph substituted for paragraph 22 of Schedule B1 to the Insolvency Act 1986, in sub-paragraph (2), for “Financial Services Authority” substitute “Financial Conduct Authority and the Prudential Regulation Authority”;
- (c) in paragraph 6, in paragraphs 91A and 91B inserted in Schedule B1 to the Insolvency Act 1986, for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (d) in paragraph 7, in paragraph 117 inserted in Schedule B1 to the Insolvency Act 1986—
  - (i) omit sub-paragraph (1);
  - (ii) in sub-paragraphs (2) and (3) for “Authority” substitute “Financial Conduct Authority and the Prudential Regulation Authority”;

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(a) S.I. 2006/3107.

- (iii) in sub-paragraphs (4) and (5) for “Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (iv) in the heading, for “Financial Services Authority” substitute “Financial Conduct Authority and Prudential Regulation Authority”.

### **The Capital Requirements Regulations 2006**

#### **118. In the Capital Requirements Regulations 2006(a)—**

- (a) in regulation 1(2)(b) (interpretation), after the definition of “application” insert—
  - ““appropriate regulator” means the FCA or, as the case may be, the PRA;”;
- (b) regulation 2 (application for permission) is amended as follows—
  - (i) in paragraph (1), for “the Authority” substitute “an appropriate regulator”;
  - (ii) in paragraphs (2) and (3), for “the Authority” in each place it appears substitute “that appropriate regulator”;
- (c) regulation 3(c) (applications to the Authority as EEA consolidated supervisor) is amended as follows—
  - (i) in the heading and in paragraph (1), for “the Authority” substitute “an appropriate regulator”;
  - (ii) in paragraph (2), for “The Authority” substitute “That appropriate regulator”;
  - (iii) in paragraphs (3), (4) and (5), for “the Authority” in each place it appears substitute “that appropriate regulator”;
- (d) regulation 4 (applications forwarded to the Authority as a relevant competent authority) is amended as follows—
  - (i) in the heading and in paragraph (1), for “the Authority” substitute “an appropriate regulator”;
  - (ii) in paragraph (2), for “The Authority” substitute “That appropriate regulator”;
- (e) regulation 5 (proposals to vary or revoke a decision or joint decision) is amended as follows—
  - (i) in paragraph (1), for “the Authority” substitute “an appropriate regulator”;
  - (ii) in paragraph (2), for “The Authority” substitute “That appropriate regulator”;
  - (iii) in paragraphs (3) to (5), for “the Authority” in each place it appears substitute “that appropriate regulator”;
- (f) in regulation 6, for “The Authority” substitute “An appropriate regulator”;
- (g) in regulation 7 (recognition and application of a decision or joint decision), for “The Authority” substitute “An appropriate regulator”;
- (h) regulation 8 (exercise of functions for the purpose of applying a decision or joint decision) is amended as follows—
  - (i) in the heading, for “section 148” substitute “section 138A”;
  - (ii) in paragraph (1)—
    - (aa) for “The Authority” substitute “An appropriate regulator”;
    - (bb) for “section 148” substitute “section 138A”;
  - (iii) in paragraph (2)—

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(a) S.I. 2006/3221.

(b) There are amending instruments but none is relevant.

(c) Paragraphs (4) and (5) were inserted by S.I. 2012/917.

- (aa) in sub-paragraph (a), for “subsections (2) and (9)(b) of section 148 for the Authority’s” substitute “subsections (1) and (7)(b) of section 138A for that appropriate regulator’s”;
  - (bb) in subparagraph (b), for “section 148(4)” substitute “section 138A(4)”;
- (i) regulation 9 is amended as follows—
  - (i) in paragraph (1)—
    - (aa) for “the Authority” substitute “an appropriate regulator”;
    - (bb) for “section 148” substitute “section 138A”;
  - (ii) in paragraph (2)(c), for “the Authority” substitute “that appropriate regulator”;
- (j) in the heading to regulation 10 (the Authority’s duties as an EEA consolidated supervisor)(a), for “The Authority’s duties” substitute “Duties of an appropriate regulator”;
- (k) in regulation 10 for “the Authority” substitute “an appropriate regulator”;
- (l) in regulation 10A, for “Authority” in each place it appears substitute “appropriate regulator”;
- (m) regulation 10B(b) is amended as follows—
  - (i) in paragraph (1), for “the Authority” substitute “an appropriate regulator”;
  - (ii) for “Authority” in each other place it appears substitute “appropriate regulator”;
- (n) in regulations 11(c), 12 and 12A(d), for “Authority” in each place it appears substitute “appropriate regulator”;
- (o) in the heading to regulation 13 (the Authority’s duties as EEA consolidated supervisor or national consolidated supervisor), for “The Authority’s duties” substitute “Duties of an appropriate regulator”;
- (p) in regulation 13, for “the Authority” substitute “an appropriate regulator”;
- (q) in regulations 14(e) and 15(f), for “Authority” in each place it appears substitute “appropriate regulator”;
- (r) regulation 16 is amended as follows—
  - (i) for “Authority” in each place it appears substitute “appropriate regulator”;
  - (ii) in paragraph (4)—
    - (aa) in sub-paragraph (i) for “Part IV” substitute “Part 4A”;
    - (bb) in sub-paragraph (ii) for “section 148” substitute “section 138A”;
- (s) regulation 16A (significant branches)(g) is amended as follows—
  - (i) for “Authority” in each place it appears substitute “relevant regulator”;
  - (ii) after paragraph (7) insert—
 

“(8) In this regulation, “the relevant regulator” in relation to a branch established in the United Kingdom means—

    - (a) if the branch is a PRA-authorized person, the PRA;
    - (b) in any other case, the FCA.”;
- (t) regulations 16B, 16C and 16D(h) are amended as follows—

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(a) Regulations 10 to 10B were substituted by S.I. 2010/2628.  
 (b) Amended by S.I. 2012/917.  
 (c) Substituted by S.I. 2010/2628 and amended by 2012/917.  
 (d) Inserted by S.I. 2010/2628 and amended by 2012/917.  
 (e) Substituted by S.I. 2010/2628 and amended by 2012/917.  
 (f) Amended by S.I. 2010/2628.  
 (g) Inserted by S.I. 2010/2628 and amended by S.I. 2012/917.  
 (h) Regulations 16B, 16C and 16D were inserted by S.I. 2010/2628.



- (i) in paragraph (1) of each regulation, for “the Authority” substitute “an appropriate regulator”;
- (ii) for “Authority” in each other place it appears substitute “appropriate regulator”;
- (u) regulation 16E (the Authority’s general duties)(a) is amended as follows—
  - (i) for the heading, substitute “General duties of FCA and PRA”;
  - (ii) for “The Authority” substitute “An appropriate regulator”;
  - (iii) for “the competent authority” substitute “a competent authority”;
- (v) regulation 16G(b) is amended as follows—
  - (i) in the heading, for “The Authority’s” substitute “The relevant regulator’s”;
  - (ii) the existing text is renumbered as paragraph (1);
  - (iii) in that paragraph (1), for “The Authority” substitute “The relevant regulator”;
  - (iv) after paragraph (1) insert—
 

“(2) In this regulation, the “relevant regulator” in relation to an authorised person means—

    - (a) if the authorised person is a PRA-authorised person, the PRA;
    - (b) in any other case, the FCA.”;
- (w) regulation 17 (disclosed information) is amended as follows—
  - (i) in paragraph (1)—
    - (aa) for “the Authority” in the first place it appears substitute “an appropriate regulator”;
    - (bb) for the “Authority” in the second place it appears substitute “that appropriate regulator”;
  - (ii) in paragraph (2)—
    - (aa) for “the Authority” in the first place it appears substitute “an appropriate regulator”;
    - (bb) for the “Authority” in the second place it appears substitute “that appropriate regulator”;
- (x) in regulations 22 to 25(c) (external credit assessment institutions), for “Authority” in each place it appears substitute “PRA”;
- (y) regulation 26(d) (restriction on disclosure) is amended as follows—
  - (i) in paragraph (1)(b) for “the Authority” substitute “an appropriate regulator”;
  - (ii) in paragraph (3)(b) for “the Authority” substitute “that appropriate regulator”;
- (z) regulation 27 (functions of the Authority) is amended as follows—
  - (i) in the heading, for “the Authority” substitute “the FCA and PRA”;
  - (ii) for “the Authority” in the first place it appears substitute “an appropriate regulator”;
  - (iii) for “the Authority” in the second place it appears substitute “that appropriate regulator”;
- (aa) in Schedules 1(e) and 2 (recognition of ECAs and mapping), for “Authority” in each place it appears substitute “PRA”.

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(a) Inserted by S.I. 2010/2628.  
 (b) Inserted by S.I. 2012/917.  
 (c) Amended by S.I. 2010/906 and 2628.  
 (d) Amended by S.I. 2012/917.  
 (e) Amended by S.I. 2010/2628.

### **Transitional provision in relation to the Capital Requirements Regulations 2006**

**119.**—(1) This paragraph makes transitional provision in connection with the amendments made to the Capital Requirements Regulations 2006 (“the Regulations”).

(2) Permission given to a person (“P”) under Part 2 of the Regulations before 1st April 2013 is to be treated as having been given by the PRA if the PRA is the EEA consolidated supervisor in relation to the group of which P is a member.

(3) An application made under Part 2 of the Regulations before 1st April 2013 which has not been determined before 1st April 2013 is to be treated as having been made to the PRA if the PRA is the EEA consolidated supervisor in relation to the group of which the applicant is a member; and in such cases, anything done by the Financial Services Authority in relation to the application prior to 1st April 2013 is to be treated as having been done by the PRA.

(4) Where, prior to 1st April 2013, the Financial Services Authority has made a proposal under regulation 5 of the Regulations or received a proposal under regulation 6 of the Regulations and no decision has been made in relation to the proposal prior to 1st April 2013, the proposal is to be treated as having been made by or made to the PRA if the proposal relates to a group for which the PRA is the EEA consolidated supervisor.

(5) For the purposes of Parts 3 and 4 of the Regulations, things done by or in relation to the Financial Services Authority prior to 1st April 2013 are to be treated as having been done by or in relation to the PRA where the matter relates to a group, or a member of a group, for which the PRA is the EEA consolidated supervisor.

(6) In this paragraph, “EEA consolidated supervisor” has the meaning given in the Regulations.

### **The Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006**

**120.** In the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006(a)—

- (a) for “Authority” in each place it appears, substitute “Financial Conduct Authority or the Prudential Regulatory Authority”;
- (b) in the heading to regulation 4 (modification of FSMA in relation to FSA rules for mesothelioma claims)—
  - (i) for “FSA rules” substitute “rules made by the Financial Conduct Authority or the Prudential Regulatory Authority”,
  - (ii) for “sections 155 and 157(3)” substitute “sections 138I and 139A(5)”.

### **The Gambling (Operating Licence and Single-Machine Permit Fees) Regulations 2006**

**121.** In regulation 23(2)(b) of the Gambling (Operating Licence and Single-Machine Permit Fees) Regulations 2006(b), for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”.

### **The Water and Sewerage Services (Northern Ireland) Order 2006**

**122.** In Article 265 of the Water and Sewerage Services (Northern Ireland) Order 2006(c) (restriction on disclosure of information), in paragraph (4), for sub-paragraph (h) substitute—

- “(h) the Financial Conduct Authority;
- (i) the Prudential Regulation Authority.”.

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(a) S.I. 2006/3259.

(b) S.I. 2006/3284, amended by S.I. 2008/1803 and S.I. 2012/829.

(c) S.I. 2006/3336 (N.I. 21).

### **The Enterprise Act 2002 (Amendment) Regulations 2006**

**123.** In regulation 23 of the Enterprise Act 2002 (Amendment) Regulations 2006<sup>(a)</sup> and in the heading to that regulation for “Financial Services Authority” substitute “Financial Conduct Authority”.

### **The Cross-Border Insolvency Regulations (Northern Ireland) 2007**

**124.** In Schedule 2 (procedural matters) to the Cross-Border Insolvency Regulations (Northern Ireland) 2007<sup>(b)</sup>—

- (a) in paragraph 1—
    - (i) for sub-paragraph (6) substitute—

“(6) References in this Schedule to a debtor who is of interest to the Financial Conduct Authority are references to a debtor who—

      - (a) is, or has been, an authorised person within the meaning of the Financial Services and Markets Act 2000;
      - (b) is, or has been an appointed representative within the meaning of section 39 of the Financial Services and Markets Act 2000; or
      - (c) is carrying on, or has carried on, a regulated activity within the meaning of the Financial Services and Markets Act 2000) in contravention of the general prohibition.
    - (6A) References in this Schedule to a debtor who is of interest to the Prudential Regulation Authority are references to a debtor who—
      - (a) is, or has been, a PRA-authorised person within the meaning of the Financial Services and Markets Act 2000; or
      - (b) is carrying on, or has carried on, a PRA-regulated activity within the meaning of the Financial Services and Markets Act 2000 in contravention of the general prohibition.”;
    - (ii) in sub-paragraph (7), for “sub-paragraph (6)” substitute “sub-paragraphs (6) and (6A)”;
  - (b) in paragraph 21(2)—
    - (i) at the end of paragraph (h) omit “and”;
    - (ii) for paragraph (i) substitute—

“(i) if the debtor is a debtor who is of interest to the Financial Conduct Authority, on that Authority; and

(j) if the debtor is a debtor who is of interest to the Prudential Regulation Authority, on that Authority.”;
  - (c) for paragraph 25(1)(i) substitute—

“(i) if the debtor is a debtor who is of interest to the Financial Conduct Authority, that Authority;

(ia) if the debtor is a debtor who is of interest to the Prudential Regulation Authority, that Authority; and”;
- (d) for paragraph 26(3)(g) substitute—

“(g) if the debtor is a debtor who is of interest to the Financial Conduct Authority, to that Authority;

(ga) if the debtor is a debtor who is of interest to the Prudential Regulation Authority, to that Authority.”;

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(a) S.I. 2006/3363.

(b) S.R. 2007/115.

**The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2007**

**125.**—(1) The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2007(**a**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “the Act” insert—

““the appropriate regulator” means—

(a) in relation to a person who is, or who is applying to become, a PRA-authorised person, the Prudential Regulatory Authority;

(b) in any other case, the Financial Conduct Authority;”;

(b) omit the definition of “the Authority”;

(c) for the definition of “Part IV permission”, substitute—

““Part 4A permission” has the meaning given in section 55A(5) of the Act;”.

(3) In regulation 4(1) (general restrictions on giving permission), for “the Authority” substitute “the appropriate regulator”.

(4) In regulation 4A (applications to be an exempt investment firm)(**b**)—

(a) in paragraph (1), for “section 40”, substitute “section 55A”;

(b) in paragraph (2), for “section 44” substitute “section 55H or 55I”.

(5) In regulation 4C (requirements to be applied to exempt investment firms)(**c**)—

(a) in paragraph (1)—

(i) for “the Authority” in the first place those words appear, substitute “the appropriate regulator”;

(ii) for “included in the permission by the Authority under section 43” substitute “imposed under section 55L (where the Financial Conduct Authority is the appropriate regulator) or 55M (where the Prudential Regulatory Authority is the appropriate regulator)”;

(b) in paragraph (2)—

(i) for “the Authority” in each place it appears, substitute “the appropriate regulator”;

(ii) in subparagraph (a)—

(aa) for “the inclusion of the specified requirement in the Part IV permission” substitute “the treatment of the specified requirement as a requirement imposed under section 55L or 55M of the Act”;

(bb) for “section 52(6)” substitute “section 55X(1)”;

(cc) for “section 43(1)” in each place it appears, substitute “section 55L(1) or 55M(1)”;

(dd) for “section 52(9)” substitute “section 55X(4)”;

(ee) for “section 55(1)” substitute “section 55Z3(1)”;

(c) in subparagraph (b), omit “and, accordingly, section 43(5) shall not be treated as requiring the Authority to specify a period at the end of which they expire”;

(d) in subparagraph (c), for “section 44 of the Act to vary the permission by cancelling or varying” substitute “sections 55L(5) or 55M(5) of the Act to vary or cancel”.

(6) In paragraph (3), for “the Authority” substitute “the appropriate regulator”.

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(a) S.I. 2007/126, amended by S.I. 2007/763.

(b) Inserted by S.I. 2007/763.

(c) Inserted by S.I. 2007/763.

### **The Iran (Financial Sanctions) Order 2007**

**126.** In paragraph 6(1)(c) of the Schedule to the Iran (Financial Sanctions) Order 2007(a) for “Financial Services Authority” substitute “Financial Conduct Authority, the Prudential Regulation Authority, or the Bank of England”.

### **The Financial Services and Markets Act 2000 (Administration Orders Relating to Insurers) (Northern Ireland) Order 2007**

**127.** In the Financial Services and Markets Act 2000 (Administration Orders Relating to Insurers) (Northern Ireland) Order 2007(b)—

- (a) in article 3 (modification of the Insolvency Rules (Northern Ireland) 1991 in relation to insurers), from “the following sub-paragraph” to the end substitute “the following sub-paragraphs—
  - “(aa) the Financial Conduct Authority;
  - (ab) the Prudential Regulation Authority;”;
- (b) in the Schedule (modifications of Part 3 of the 1989 Order in relation to insurers), for “Financial Services Authority” in each place it appears substitute “Financial Conduct Authority and, where relevant, the Prudential Regulation Authority”.

### **The Regulation of Investigatory Powers (Authorisations Extending to Scotland) Order 2007**

**128.** In the Schedule to the Regulation of Investigatory Powers (Authorisations Extending to Scotland) Order 2007(c), in column 1 of the table—

- (a) for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (b) as the next entry insert “The Prudential Regulation Authority”.

### **The Money Laundering Regulations 2007**

**129.** In the Money Laundering Regulations 2007(d)—

- (a) in regulation 2(1) (interpretation)—
  - (i) in the definition of “the Authority”, for “Financial Services Authority” substitute “Financial Conduct Authority”;
  - (ii) after the definition of “payment services” insert—
    - ““person who has a qualifying relationship with a PRA-authorized person” is to be read with section 415B(4) of the 2000 Act;
    - “the PRA” means the Prudential Regulation Authority;
    - “PRA-authorized person” has the meaning given in section 2B(5) of the 2000 Act;”;
- (b) in regulation 24 (duties of supervisory authorities)—
  - (i) in paragraph (4)—
    - (aa) for “Schedule 1” substitute “Schedule 1ZA”;
    - (bb) for “(the Financial Services Authority)” substitute “(the Financial Conduct Authority)”;
  - (ii) after paragraph (4), insert—

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(a) S.I. 2007/281.

(b) S.I. 2007/846.

(c) S.I. 2007/934.

(d) S.I. 2007/2157: relevant amending instruments are S.I. 2007/3299, S.I. 2009/56, S.I. 2009/209, S.I. 2010/22, S.I. 2011/1265, S.I. 2011/2699, and S.I. 2012/2298.

“(5) The functions of the PRA under these Regulations shall be treated for the purposes of Parts 1, 2 and 4 of Schedule 1ZB to the 2000 Act (the Prudential Regulation Authority) as functions conferred on the PRA under that Act.”;

- (c) in regulation 24A(2) (disclosure by supervisory authorities), after sub-paragraph (a), insert—
  - “(aa) by the Authority to the PRA, where the information concerns a PRA-authorised person or a person who has a qualifying relationship with a PRA-authorised person;”;
- (d) in regulation 31(2)(b) (requirement on authorised person to inform the Authority), before “Authority” insert “Financial Services”;
- (e) in regulation 42 (power to impose civil penalties), after paragraph (4), insert—
  - “(4A) Where the Authority proposes to impose a penalty under this regulation on a PRA-authorised person or on a person who has a qualifying relationship with a PRA-authorised person, it must consult the PRA.”;
- (f) in regulation 49(1) (obligations on public authorities), after sub-paragraph (j) insert—
  - “(ja) the PRA;”;
- (g) in paragraph 2 of Schedule 5 (modifications in relation to appeals), after sub-paragraph (a) insert—
  - “(aa) in section 133(7A), after paragraph (n), insert—
    - “(o) a decision to impose a penalty under regulation 42 of the Money Laundering Regulations 2007.”.”.

### **The Political Parties, Elections and Referendums Act 2000 (Northern Ireland Political Parties) Order 2007**

**130.** In article 11 of the Political Parties, Elections and Referendums Act 2000 (Northern Ireland Political Parties) Order 2007(**a**)—

- (a) in paragraph (k) for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (b) after that paragraph insert—
  - “(ka) the Prudential Regulation Authority;”.

### **The Transfer of Funds (Information on the Payer) Regulations 2007**

**131.** In the Transfer of Funds (Information on the Payer) Regulations 2007(**b**)—

- (a) in regulation 1(2), for “Authority” substitute “FCA”;
- (b) in regulation 2(1), in the definition of “the Authority”, for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (c) in regulation 4(4) (duties of supervisory authorities) for “Schedule 1 to the 2000 Act (the Financial Services Authority)” substitute “Schedule 1ZA to the 2000 Act (the Financial Conduct Authority)”;
- (d) in Schedule 2 (modifications in relation to appeals), for paragraph 1(b) substitute—
  - “(b) omit subsections (1) and (5); and”.

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(a) S.I. 2007/2501, amended by S.I. 2009/2748.

(b) S.I. 2007/3298.

### **The Registered Pension Schemes (Authorised Member Payments) Regulations 2007**

**132.** In regulation 2(5) (prescribed authorised member payment relating to inherited estate on reattribution) of the Registered Pension Schemes (Authorised Member Payments) Regulations 2007(a)—

- (a) for the definition of “inherited estate” substitute—

““inherited estate” has the meaning given by the Glossary of the FCA Handbook made by the Financial Conduct Authority under the Financial Services and Markets Act 2000;”;
- (b) for the definition of “with-profits business” substitute—

““with-profits business” has the meaning given by the Glossary of the FCA Handbook made by the Financial Conduct Authority under the Financial Services and Markets Act 2000.”.

### **The Legislative and Regulatory Reform (Regulatory Functions) Order 2007**

**133.** In Part 1 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(b)—

- (a) for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (b) in the appropriate place insert “Prudential Regulation Authority”.

### **The Regulated Covered Bonds Regulations 2008**

**134.** In the Regulated Covered Bonds Regulations 2008(c)—

- (a) in regulation 1(2), in the definition of “the Authority”, for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (b) for regulation 37 substitute—

“**37.** Paragraph 19 (penalties) of Schedule 1ZA(d) applies for the purposes of these Regulations as it applies for the purposes of the Act but as if for “this Act” there were substituted “the Regulated Covered Bonds Regulations 2008.”;
- (c) in regulation 38(1), for “(misleading the Authority: residual cases)” substitute “(misleading FCA or PRA)”;
- (d) for regulation 42(4) substitute—

“(4) Subject to paragraph (5) and the modification in paragraph (4A), if the Authority proposes to give guidance under this regulation to issuers or owners generally, or to a class of issuer or owner, subsections (1)(b), (2)(e) and (3) of section 138I(e) of the Act (consultation by the FCA) apply to the proposed guidance as they apply to proposed rules made under the Act, unless the Authority considers that the delay in complying with them would be prejudicial to the interests of regulated covered bond holders.

(4A) For the purpose of paragraph (4) section 138I of the Act is to be treated as if in subsection (1)(b) “after doing so” were omitted.”;
- (e) in regulation 43(1), in the heading to section 348, for “Authority” substitute “FCA, PRA”;
- (f) in regulation 45, for “paragraph 19 (exemption from liability in damages) of Part 4 of Schedule 1” substitute “paragraph 25 (exemption from liability in damages) of Part 4 of Schedule 1ZA”;

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(a) S.I. 2007/3532.

(b) S.I. 2007/3544; there are amending instruments but none is relevant.

(c) S.I. 2008/346.

(d) Inserted by Schedule 3 of the Financial Services Act 2012.

(e) Inserted by section 24 of the Financial Services Act 2012.

(g) in the Schedule—

- (i) in paragraph 3, in the heading to section 165, for “Authority’s” substitute “Regulator’s”;
- (ii) after paragraph 4 insert—

“4A. Section 166A(a) (appointment of skilled person to collect and update information) of the Act is to apply for the purposes of these Regulations as it applies for the purposes of the Act but with the following modifications—

- (a) omit subsection (10);
- (b) for references in other subsections of section 166A to “authorised person” there is substituted references to “person to whom the Regulated Covered Bond Regulations 2008 apply.”;
- (iii) for paragraph 5 substitute—

“5. Paragraph 23 of Schedule 1ZA to the Act (fees) is to apply for the purposes of these Regulations as it applies for the purposes of the Act, but with the following modifications—

- (a) in sub-paragraph (1)—
  - (i) for the reference to “this Act” there is substituted a reference to “the Regulated Covered Bonds Regulations 2008”;
  - (ii) omit paragraphs (b) and (c);
- (b) for sub-paragraph (2) substitute—

“(2) The “qualifying functions” of the FCA are its functions under the Regulated Covered Bonds Regulations 2008.”;
- (c) omit sub-paragraphs (3), (4), (5) and (6);
- (d) for the reference in sub-paragraph (7) to “penalties imposed by it under this Act” there is substituted a reference to “penalties imposed by it under the Regulated Covered Bonds Regulations 2008.”.

### **The Large and Medium-sized Companies and Groups (Accounts and Reports) Regulations 2008**

**135.** In the Large and Medium-sized Companies and Groups (Accounts and Reports) Regulations 2008(b), in Schedule 3 (insurance companies: Companies Act individual accounts)—

- (a) in paragraph 10, in note 24 of the notes on balance sheet format, for “in section 1.4 of the Prudential Sourcebook for Insurers made by the Financial Services Authority” substitute “made by the Financial Conduct Authority or the Prudential Regulation Authority”;
- (b) in paragraph 56, for “in section 1.4 of the Prudential Sourcebook for Insurers made by the Financial Services Authority” substitute “made by the Financial Conduct Authority or the Prudential Regulation Authority”;
- (c) in paragraph 91, in the definition of “long-term fund”, for “rule 1.5.22 in the Prudential Sourcebook for Insurers made by the Financial Services Authority” substitute “rules made by the Financial Conduct Authority or the Prudential Regulation Authority”.

### **The Northern Rock plc Transfer Order 2008**

**136.** In the Northern Rock plc Transfer Order 2008(c)—

- (a) in article 5(5) (interest payments in relation to Tier 1 notes)—

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(a) Inserted by paragraph 6 of Schedule 12 to the Financial Services Act 2012.  
(b) S.I. 2008/410.  
(c) S.I. 2008/432.



- (i) for “Authority’s Handbook” substitute “Handbook made by the Financial Conduct Authority or the Prudential Regulation Authority under Part 9A of FSMA 2000”(a);
- (ii) omit the definition of “the Handbook”;
- (b) in article 14 (approved persons)—
  - (i) in paragraph (1), for “the Authority is” substitute “the Financial Conduct Authority and the Prudential Regulation Authority are”;
  - (ii) in paragraphs (2) and (3), for “Authority” substitute “Financial Conduct Authority and the Prudential Regulation Authority”;
- (c) in the heading to Part 5, for “Authority’s”, substitute “Regulator’s”;
- (d) in article 15 (modification to Authority’s rule-making power)—
  - (i) for paragraph (1) substitute—
 

“(1) Section 137A of the 2000 Act (the FCA’s general rules) has effect as if, in subsection (1), after “for the purpose of advancing one or more of its operational objectives” there were inserted “or for the purposes of, to facilitate or in consequence of, a transfer under section 3 of the Banking (Special Provisions) Act 2008.

(1A) Section 137G of the 2000 Act (the PRA’s general rules) has effect as if, in subsection (1), after “for the purpose of advancing any of its objectives” there were inserted “or for the purposes of, to facilitate or in consequence of, a transfer under section 3 of the Banking (Special Provisions) Act 2008.”;
  - (ii) in paragraph (2)—
    - (aa) for “Section 148(2)” substitute “Section 138A”;
    - (bb) for “Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
  - (iii) in paragraph (3)—
    - (aa) for “Section 148(4)” substitute “Section 138A(4)”;
    - (bb) for “Authority” in the first place it appears substitute “the Financial Conduct Authority or the Prudential Regulation Authority”;
    - (cc) for “the Authority” in the second place those words appear substitute “that regulator”;
    - (dd) for “section 148” substitute “section 138A”;
  - (iv) in the heading, for “Authority’s” substitute “regulator’s”;
- (e) in article 16 (modification to Authority’s duty to consult on rule changes)—
  - (i) in paragraph (1)—
    - (aa) for “Section 155(7)” substitute “Subsections (1) and (2) of section 138L”;
    - (bb) for “has”, substitute “have”;
  - (ii) in paragraph (2)—
    - (aa) for “Section 157 of the 2000 Act (guidance)” substitute “Section 139A of the 2000 Act (power of the FCA to give guidance)”;
    - (bb) for “Section 155(7)” substitute “Section 138L(1)”;
  - (iii) in the heading, for “Authority’s” substitute “regulator’s”.

**The Insurance Accounts Directive (Miscellaneous Insurance Undertakings) Regulations 2008**

**137. In the Insurance Accounts Directive (Miscellaneous Insurance Undertakings) Regulations**

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(a) Substituted by section 24(1) of the Financial Services Act 2012.

2008(a)—

- (a) in regulation 2 (interpretation), for the definition of “the Authority” substitute—
  - ““the Authority” means—
  - (a) in relation to an undertaking which is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), the Prudential Regulation Authority;
  - (b) in any other case, the Financial Conduct Authority;”;
- (b) in regulation 8(2) (signature of auditor’s report), after “the Authority” in both places those words appear insert “and the Financial Conduct Authority (if it is not the Authority)”;
- (c) in regulation 9(2) (removal of auditors on improper grounds)—
  - (i) at the end of sub-paragraph (a) omit “and”;
  - (ii) at the end of sub-paragraph (b) for “.” substitute “;”;
  - (iii) after sub-paragraph (b) insert—
    - “and
    - (c) the Financial Conduct Authority (in cases where it is not the Authority).”;
- (d) in regulation 14(5) (industrial and provident societies), for “The Authority” substitute “The Financial Conduct Authority”;
- (e) in paragraph 3 of Schedule 1 (modification of the Friendly and Industrial and Provident Societies Act 1968), in subsection (4)(b) of the subsections substituted by that paragraph, after “the Authority” insert “and the Financial Conduct Authority (if it is not the Authority)”.

#### **The Bank Accounts Directive (Miscellaneous Banks) Regulations 2008**

**138.** In the Bank Accounts Directive (Miscellaneous Banks) Regulations 2008(b)—

- (a) in regulation 2(1) (interpretation) for the definition of “the Authority” substitute—
  - ““the Authority” means—
  - (a) in relation to a body which is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), the Prudential Regulation Authority;
  - (b) in any other case, the Financial Conduct Authority;”;
- (b) in regulation 10(2) (removal of auditor on improper grounds)—
  - (i) at the end of sub-paragraph (a) omit “and”;
  - (ii) at the end of sub-paragraph (b) for “.” substitute “;”;
  - (iii) after sub-paragraph (b) insert—
    - “and
    - (c) the Financial Conduct Authority (in cases where it is not the Authority).”;
- (c) in paragraph 10 of the Schedule (modifications and adaptations of the Companies Act 2006 and the Companies Accounts Regulations), after “the Authority” in both places those words appear insert “and the Financial Conduct Authority (if it is not the Authority)”.

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(a) S.I. 2008/565.

(b) S.I. 2008/567.

### **The Northern Rock plc Compensation Scheme Order 2008**

139. In paragraph 18 of the Schedule to the Northern Rock plc Compensation Scheme Order 2008(a), for “omit subsection (6)” substitute “omit subsections (6), (6A) and (7A)”(b).

### **The Political Parties, Elections and Referendums Act 2000 (Northern Ireland Political Parties) Order 2008**

140. In article 11 of the Political Parties, Elections and Referendums Act 2000 (Northern Ireland Political Parties) Order 2008(c)—

- (a) for paragraph (k) substitute—  
“(k) the Financial Conduct Authority;”,
- (b) after that paragraph insert—  
“(ka) the Prudential Regulation Authority;”.

### **The Serious Organised Crime and Police Act 2005 (Disclosure of Information by SOCA) Order 2008**

141. In article 2 of the Serious Organised Crime and Police Act 2005 (Disclosure of Information by SOCA) Order 2008(d), for “Financial Services Authority” substitute “Financial Conduct Authority and of the Prudential Regulation Authority”.

### **The Proceeds of Crime Act 2002 (Disclosure of Information) Order 2008**

142. In article 3 of the Proceeds of Crime Act 2002 (Disclosure of Information) Order 2008(e), for “Financial Services Authority” substitute “Financial Conduct Authority, of the Prudential Regulation Authority and of the Bank of England”.

### **The Limited Liability Partnerships (Accounts and Audit) (Application of Companies Act 2006) Regulations 2008**

143. In the Limited Liability Partnerships (Accounts and Audit) (Application of Companies Act 2006) Regulations 2008(f)—

- (a) in regulation 24 (disclosure of information)—
  - (i) in section 461(3) as modified by that regulation for paragraph (e) substitute—  
“(e) Financial Conduct Authority,  
(ea) Prudential Regulation Authority, or”;
  - (ii) in section 461(4)(g) as modified by that regulation for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (b) in regulation 32 (accounts: minor definitions), in section 474 as modified by that regulation, for the definition of “UCITS management company” substitute—  
““UCITS management company” has the meaning given by the Glossary to the Handbook made by the Financial Conduct Authority under the Financial Services and Markets Act 2000;”;
- (c) in regulation 47 (LLP audit: minor definitions), in section 539 as modified by that regulation, for the definition of “UCITS management company” substitute—

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(a) S.I. 2008/718, amended by S.I. 2010/22.

(b) Sections 133(6A) and 133(7A) of FSMA 2000 were inserted by section 23 of the Financial Services Act 2012.

(c) S.I. 2008/1737, amended by S.I. 2009/2748.

(d) S.I. 2008/1908.

(e) S.I. 2008/1909.

(f) S.I. 2008/1911, amended by S.I. 2009/1342, 2009/1804, 2011/99, S.I. 2011/1043 and 2012/1439.

““UCITS management company” has the meaning given by the Glossary to the Handbook made by the Financial Conduct Authority under the Financial Services and Markets Act 2000;”.

### **The Insurance Accounts Directive (Lloyd’s Syndicate and Aggregate Accounts) Regulations 2008**

**144.** In regulation 2(1) of the Insurance Accounts Directive (Lloyd’s Syndicate and Aggregate Accounts) Regulations 2008(a) (interpretation), in the definition of “the Authority”, for “Financial Services Authority” substitute “Prudential Regulation Authority”.

### **Transitional provision in relation to the Insurance Accounts Directive (Lloyd’s Syndicate and Aggregate Accounts) Regulations 2008**

**145.** Anything done for the purposes of the Insurance Accounts Directive (Lloyd’s Syndicate and Aggregate Accounts) Regulations 2008 by or in relation to the Financial Services Authority prior to 1st April 2013 is to be treated as having been done by or in relation to the Prudential Regulation Authority.

### **The Bradford & Bingley plc Transfer of Securities and Property etc. Order 2008**

**146.** In the Bradford & Bingley plc Transfer of Securities and Property etc. Order 2008(b)—

- (a) in article 2 (interpretation: general)—
  - (i) in the definition of “the Financial Services Compensation Scheme”, omit “by the Authority”;
  - (ii) in the definition of “FSCS”, omit “by the Authority”;
- (b) in article 15 (approved persons)—
  - (i) in paragraph (1), for “Authority is” substitute “Financial Conduct Authority and the Prudential Regulation Authority are”;
  - (ii) in paragraphs (2) and (3), for “Authority” in each place it appears substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (c) in article 37 (modification to Authority’s rule-making power)—
  - (i) for paragraph (1) substitute—

“(1) Section 137A of the 2000 Act (the FCA’s general rules) has effect as if, in subsection (1), after “for the purpose of advancing one or more of its operational objectives” there were inserted “or for the purposes of, to facilitate or in consequence of, a transfer under section 3 of the Banking (Special Provisions) Act 2008”.

(1A) Section 137G of the 2000 Act (the PRA’s general rules) has effect as if, in subsection (1), after “for the purpose of advancing any of its objectives” there were inserted “or for the purposes of, to facilitate or in consequence of, a transfer under section 3 of the Banking (Special Provisions) Act 2008”.”;
  - (ii) in paragraph (2)—
    - (aa) for “Section 148(2)” substitute “Section 138A”;
    - (bb) for “Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
  - (iii) in paragraph (3)—
    - (aa) for “Section 148(4)” substitute “Section 138A(4)”;

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(a) S.I. 2008/1950.

(b) S.I. 2008/2546.

- (bb) for “Authority” in the first place it appears substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (cc) for “the Authority” in the second place those words appear substitute “that regulator”;
- (dd) for “section 148” substitute “section 138A”;
- (iv) in the heading, for “Authority’s” substitute “regulator’s”;
- (d) in article 38 (modification to Authority’s duty to consult on rule changes)—
  - (i) in paragraph (1), for “Section 155(7)” substitute “Subsections (1) and (2) of section 138L”;
  - (ii) in paragraph (2)—
    - (aa) for “Section 157 of the 2000 Act (guidance)” substitute “Section 139A of the 2000 Act (power of the FCA to give guidance)”;
    - (bb) for “Section 155(7)” substitute “Section 138L(1)”;
  - (iii) in the heading, for “Authority’s” substitute “regulator’s”.

### **The Heritable Bank plc Transfer of Certain Rights and Liabilities Order 2008**

#### **147. In the Heritable Bank plc Transfer of Securities and Property Order 2008(a)—**

- (a) in article 2 (interpretation)—
  - (i) in the definition of “the Financial Services Compensation Scheme”, omit “by the Authority”;
  - (ii) in the definition of “FSCS”, omit “by the Authority”;
- (b) in article 27 (modification to Authority’s rule-making power)—
  - (i) for paragraph (1) substitute—
 

“(1) Section 137A of the 2000 Act (the FCA’s general rules) has effect as if, in subsection (1), after “for the purpose of advancing one or more of its operational objectives” there were inserted “or for the purposes of, to facilitate or in consequence of, a transfer under section 6 of the Banking (Special Provisions) Act 2008”.

(1A) Section 137G of the 2000 Act (the PRA’s general rules) has effect as if, in subsection (1), after “for the purpose of advancing any of its objectives” there were inserted “or for the purposes of, to facilitate or in consequence of, a transfer under section 6 of the Banking (Special Provisions) Act 2008”.”;
  - (ii) in paragraph (2)—
    - (aa) for “Section 148(2)” substitute “Section 138A”;
    - (bb) for “Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
  - (iii) in paragraph (3)—
    - (aa) for “Section 148(4)” substitute “Section 138A(4)”;
    - (bb) for “Authority” in the first place it appears substitute “the Financial Conduct Authority or the Prudential Regulation Authority”;
    - (cc) for “the Authority” in the second place those words appear substitute “that regulator”;
    - (dd) for “section 148” substitute “section 138A”;
  - (iv) in the heading, for “Authority’s” substitute “regulator’s”;
- (c) in article 28 (modification to Authority’s duty to consult on rule changes)—

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(a) S.I. 2008/2644.

- (i) in paragraph (1), for “Section 155(7)” substitute “Subsections (1) and (2) of section 138L”;
- (ii) in paragraph (2)—
  - (aa) for “Section 157 of the 2000 Act (guidance)” substitute “Section 139A of the 2000 Act (power of the FCA to give guidance)”;
  - (bb) for “Section 155(7)” substitute “Section 138L(1)”;
- (iii) in the heading, for “Authority’s” substitute “regulator’s”.

### **The Transfer of Rights and Liabilities to ING Order 2008**

#### **148. In the Transfer of Rights and Liabilities to ING Order 2008(a)—**

- (a) in article 2 (interpretation: general)—
  - (i) in the definition of “the Financial Services Compensation Scheme”, omit “by the Authority”;
  - (ii) in the definition of “FSCS”, omit “by the Authority”;
- (b) in article 18 (modification to Authority’s rule-making power)—
  - (i) for paragraph (1) substitute—
 

“(1) Section 137A of the 2000 Act (the FCA’s general rules) has effect as if, in subsection (1), after “for the purpose of advancing one or more of its operational objectives” there were inserted “or for the purposes of, to facilitate or in consequence of, a transfer under section 6 or 8 of the Banking (Special Provisions) Act 2008”.

(1A) Section 137G of the 2000 Act (the PRA’s general rules) has effect as if, in subsection (1), after “for the purpose of advancing any of its objectives” there were inserted “or for the purposes of, to facilitate or in consequence of, a transfer under section 6 or 8 of the Banking (Special Provisions) Act 2008”.”;
  - (ii) in paragraph (2)—
    - (aa) for “Section 148(2)” substitute “Section 138A”;
    - (bb) for “Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
  - (iii) in paragraph (3)—
    - (aa) for “Section 148(4)” substitute “Section 138A(4)”;
    - (bb) for “Authority” in the first place it appears substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
    - (cc) for “the Authority” in the second place those words appear substitute “that regulator”;
    - (dd) for “section 148” substitute “section 138A”;
  - (iv) in the heading, for “Authority’s” substitute “regulator’s”;
- (c) in article 19 (modification to Authority’s duty to consult on rule changes)—
  - (i) in paragraph (1), for “Section 155(7)” substitute “Subsections (1) and (2) of section 138L”;
  - (ii) in paragraph (2)—
    - (aa) for “Section 157 of the 2000 Act (guidance)” substitute “Section 139A of the 2000 Act (power of the FCA to give guidance)”;
    - (bb) for “Section 155(7)” substitute “Section 138L(1)”;
  - (iii) in the heading, for “Authority’s” substitute “regulator’s”.

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(a) S.I. 2008/2666.

## **The Kaupthing Singer & Friedlander Limited Transfer of Certain Rights and Liabilities Order 2008**

**149.** In the Kaupthing Singer & Friedlander Limited Transfer of Certain Rights and Liabilities Order 2008(a)—

- (a) in article 2 (interpretation)—
  - (i) in the definition of “the Financial Services Compensation Scheme”, omit “by the Authority”;
  - (ii) in the definition of “FSCS”, omit “by the Authority”;
- (b) in article 29 (modification to Authority’s rule-making power)—
  - (i) for paragraph (1) substitute—

“(1) Section 137A of the 2000 Act (the FCA’s general rules) has effect as if, in subsection (1), after “for the purpose of advancing one or more of its operational objectives” there were inserted “or for the purposes of, to facilitate or in consequence of, a transfer under section 6 or 8 of the Banking (Special Provisions) Act 2008”.

(1A) Section 137G of the 2000 Act (the PRA’s general rules) has effect as if, in subsection (1), after “for the purpose of advancing any of its objectives” there were inserted “or for the purposes of, to facilitate or in consequence of, a transfer under section 6 or 8 of the Banking (Special Provisions) Act 2008”.”;
  - (ii) in paragraph (2)—
    - (aa) for “Section 148(2)” substitute “Section 138A”;
    - (bb) for “Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
  - (iii) in paragraph (3)—
    - (aa) for “Section 148(4)” substitute “Section 138A(4)”;
    - (bb) for “Authority” in the first place it appears substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
    - (cc) for “the Authority” in the second place those words appear substitute “that regulator”;
    - (dd) for “section 148” substitute “section 138A”;
  - (iv) in the heading, for “Authority’s” substitute “regulator’s”;
- (c) in article 30 (modification to Authority’s duty to consult on rule changes)—
  - (i) in paragraph (1), for “Section 155(7)” substitute “Subsections (1) and (2) of section 138L”;
  - (ii) in paragraph (2)—
    - (aa) for “Section 157 of the 2000 Act (guidance)” substitute “Section 139A of the 2000 Act (power of the FCA to give guidance)”;
    - (bb) in the subsection added by that paragraph, for “Section 155(7)” substitute “Section 138(1)”;
  - (iii) in the heading, for “Authority’s” substitute “regulator’s”.

## **The Non-Domestic Rating (Small Business Relief) (Wales) Order 2008**

**150.** In the Schedule to the Non-Domestic Rating (Small Business Relief) (Wales) Order 2008(b)—

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(a) S.I. 2008/2674. Amended by S.I. 2009/308.  
(b) S.I. 2008/2770 (W.246).

- (a) in the English text of paragraph 6(d), for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (b) in the Welsh text of paragraph 6(ch), for “Awdurdod Gwasanaethau Ariannol” substitute “Awdurdod Ymddygiad Ariannol”.

### **The Pre-release Access to Official Statistics Order 2008**

**151.** In paragraph 12(2) of the Schedule to the Pre-release Access to Official Statistics Order 2008(a)—

- (a) after sub-paragraph (b) insert—
  - “(ba) a member of the Financial Policy Committee(b);”;
- (b) in paragraph (d) for “servant” substitute “employee”.

### **The Bradford & Bingley plc Compensation Scheme Order 2008**

**152.** In paragraph 17 of the Schedule to the Bradford & Bingley plc Compensation Scheme Order(c), for “omit subsection (6)” substitute “omit subsections (6), (6A) and (7A)”(d).

### **The Bank Administration Rules (Northern Ireland) 2009**

**153.** In the Bank Administration Rules (Northern Ireland) 2009(e)—

- (a) in rule 4 (interpretation), omit the definition of “the FSA”;
- (b) in rule 5 (interpretation), after paragraph (a), insert—
  - “(aa) “the appropriate regulator” in relation to a bank means—
    - (i) if the bank is a PRA-authorised person (within the meaning of the Financial Services and Markets Act 2000), the Prudential Regulation Authority and the Financial Conduct Authority;
    - (ii) in any other case, the Financial Conduct Authority;”;
- (c) in rule 12(e) (Bank of England witness statement), rule 15(d) (service) and rule 22(f) (hearing), for “FSA” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (d) in rule 24 (notice of order), after “four” insert “or, if the bank is a PRA-authorised person (within the meaning of the Financial Services and Markets Act 2000), five”;
- (e) in rule 44(b) (appointment of provisional bank administrator), after “4” insert “or, if the bank is a PRA-authorised person (within the meaning of the Financial Services and Markets Act 2000), 5”;
- (f) for “FSA”, in each other place it appears, substitute “appropriate regulator”.

### **The Bank Insolvency (No.2) Rules (Northern Ireland) 2009**

**154.** In the Bank Insolvency (No.2) Rules (Northern Ireland) 2009(f)—

- (a) in rule 3(2) (application of rules, construction and interpretation)—
  - (i) omit the definition of “the FSA”;
  - (ii) after the definition of “the Department”, insert—

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(a) S.I. 2008/2998.  
 (b) The Financial Policy Committee of the Bank of England was established by section 9B of the Bank of England Act 1998 (c.11) which was inserted by section 4 of the Financial Services Act 2012.  
 (c) S.I. 2008/3249.  
 (d) Sections 133(6A) and 133(7A) of FSMA 2000 were inserted by section 23 of the Financial Services Act 2012.  
 (e) S.R (N.I.) 2009 No. 63.  
 (f) S.R (N.I.) 2009 No. 122.



““the appropriate regulator” in relation to a bank means—

- (a) if the bank is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), the Prudential Regulation Authority and the Financial Conduct Authority;
- (b) in any other case, the Financial Conduct Authority;”;
- (b) in rule 10(1) (other persons to receive copies of application), for sub-paragraph (c) substitute—
  - “(c) the Financial Conduct Authority, (if it is not the applicant);
  - (ca) if the bank is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000) and the applicant is not the Prudential Regulation Authority, that Authority;”;
- (c) in rule 10(1)(e), for “FSA” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (d) in rule 20(2) (appointment of provisional bank liquidator), for paragraph (b) substitute—
  - “(b) by the Financial Conduct Authority, with the consent of the Bank of England;
  - (ba) if the bank is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), by the Prudential Regulation Authority, with the consent of the Bank of England; or”;
- (e) in rule 73 (disapplication of set off for eligible depositors), for paragraph (6) substitute—
  - “(6) In this rule—
    - “appropriate regulator rules” means the rules, as amended from time to time, made by the Financial Conduct Authority or the Prudential Regulation Authority under section 213 of the Financial Services and Markets Act 2000;
    - “protected deposit” means a protected deposit within the meaning given by appropriate regulator rules.”;
- (f) in rule 94(2) (removal of bank liquidator by the court), for “FSA” substitute “Financial Conduct Authority, the Prudential Regulation Authority”;
- (g) in rule 94(6)(a) for “FSA” substitute “the appropriate regulator”.

### **The Payment Services Regulations 2009**

**155.**—(1) The Payment Services Regulations 2009(a) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “the Authority”, for “Financial Services Authority” substitute “Financial Conduct Authority”.

(3) In regulation 92 (costs of supervision)—

- (a) in paragraph (1), for “paragraph 17 (fees) of Part 3 of Schedule 1 to the 2000 Act” substitute “paragraph 23 of Schedule 1ZA (fees)(b) to the 2000 Act”;
- (b) in paragraph (1)(a), for “2(3) of the 2000 Act (the Authority’s general duties)” substitute “1B(5)(a) of the 2000 Act (FCA’s general duties)(c)”;
- (c) in paragraph (1)(b)—
  - (i) for “17” substitute “23”;
  - (ii) for “159(1)” substitute “140A(1)(d)”;
- (d) in paragraph (1)(c), for “paragraph 17(2) and (3)” substitute “paragraph 23(7)”.

(4) In regulation 94 (Authority’s exemption from liability in damages)—

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(a) S.I. 2009/209.

(b) Schedule 1ZA inserted by section 6 of and Schedule 3 to the Financial Services Act 2012.

(c) Substituted by section 6 of the Financial Services Act 2012.

(d) Substituted by section 24 of the Financial Services Act 2012.

- (a) for “19” substitute “25”;
- (b) for “Schedule 1” substitute “Schedule 1ZA”.

(5) After regulation 125A (transitional provisions: small payment institutions registered before 1st October 2012 and applications pending on that date)(a) insert—

**“Transitional provisions: references to the Authority**

**125B.** For the purposes of regulations 121 to 125A (transitional provisions), in the period up to the end of 31st March 2013, references to “the Authority” are to be read as references to the Financial Services Authority.”.

(6) In Schedule 5 (application and modification of legislation)—

(a) in paragraph 1, for sub-paragraph (a) substitute—

“(a) for subsection (2)(b) substitute—

“(2) For the purposes of action by the FCA, a person is guilty of misconduct if, while a relevant person, he has been knowingly concerned in a contravention of the Payment Services Regulations 2009 by an authorised payment institution or a small payment institution.”;

(b) in paragraph 2(c)—

(i) omit “to section 133A (proceedings before Tribunal: decisions and supervisory notices, etc)”;

(ii) before sub-paragraph (a) insert—

“(za) in section 133, for subsection (7A) substitute—

“(7A) A reference is a “disciplinary reference” for the purposes of this section if it is in respect of any of the following decisions under the Payment Services Regulations 2009—

(a) a decision to publish a statement under regulation 84;

(b) a decision to impose a penalty under regulation 85.”;

(iii) in sub-paragraph (a), after “subsection (1)” insert “of section 133A”;

(iv) insert “and” at the end of sub-paragraph (a);

(v) in sub-paragraph (b), after “subsection (5)” insert “of section 133A”;

(vi) omit “and” at the end of sub-paragraph (b), and sub-paragraph (c);

(c) in paragraph 3—

(i) in sub-paragraph (a)(iii), for “(b) and (c)” substitute “(b), (c) and (d)”;

(ii) for sub-paragraph (b) substitute—

“(b) in section 166 (reports by skilled persons)(d)—

(i) in subsection (2)(a), for “an authorised person”, substitute “an authorised payment institution, an EEA authorised payment institution or a small payment institution”; and

(ii) omit subsections (10) and (11);”;

(iii) after sub-paragraph (b) insert—

“(ba) in section 166A (appointment of skilled person to collect and update information)(e)—

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(a) Inserted by S.I. 2012/1791.  
 (b) Substituted by Schedule 5 to the Financial Services Act 2012.  
 (c) Amended by S.I. 2010/22.  
 (d) Substituted by Schedule 12 to the Financial Services Act 2012.  
 (e) Inserted by Schedule 12 to the Financial Services Act 2012.

- (i) in subsections (1), (2), (7)(b) and (8), for “an authorised person”, substitute “an authorised payment institution, an EEA authorised payment institution or a small payment institution”;
- (ii) omit subsection (10);”;
- (iv) in sub-paragraph (c)(i), omit sub-paragraph (aa);
- (v) after sub-paragraph (c)(iii), insert—
  - “(iiiia) for subsection (5A) substitute—
  - “(5A) “Investigating authority” means the FCA.”;”;
- (vi) for sub-paragraph (d)(i)(aa) substitute—
  - “(aa) after paragraph (b) insert—
  - “(c) a person may have contravened any requirement of or imposed under the Payment Services Regulations 2009;”;
- (vii) in sub-paragraph (d)(i)(bb), for “191” substitute “191F”;
- (viii) for sub-paragraph (d)(iv) substitute—
  - “(iv) for subsection (6) substitute—
  - “(6) “Investigating Authority” means the FCA.”;”;
- (ix) in sub-paragraph (f)(iii), for “the Authority” substitute “the FCA”;
- (x) for sub-paragraph (k)(v) substitute—
  - “(v) for subsection (11)(a) substitute—
  - “(a) by the FCA under section 165 or 175; and”;”;
- (d) for paragraph 4 substitute—
  - “4. Sections 341 (access to books etc) to 346 (provision of false or misleading information to auditor or actuary) of the 2000 Act apply with the following modifications—
  - (a) references to a regulator are to the FCA and references to the PRA are to be disregarded;
  - (b) in sections 341(1), 342(1) to (3) and (7), 343(1) to (3), (7) and (8), 344(2), 345(1) and 346(1) and (2) the references to “an authorised person” are to “an authorised payment institution”;
  - (c) for section 344(4) substitute—
    - “(4) In this section “the appropriate regulator” means the FCA.”;”;
- (e) in paragraph 5—
  - (i) for “Authority” substitute “FCA, PRA”;
  - (ii) in sub-paragraph (a)(i), for “competent authority” substitute “PRA”;
  - (iii) in sub-paragraph (a)(iii)(bb), for “(b) and (c)” substitute “(aa) and (c)”;
  - (iv) for sub-paragraph (iv) substitute—
    - “(iv) for section 6 substitute—
    - “(6) In subsection 5(f), “expert” includes any body or person appointed under regulation 81 of the Payment Services Regulations 2009 to perform a function on behalf of the Authority.”;”;
- (f) in paragraph 6—
  - (i) in sub-paragraph (b)(i), after “(1)(b),” insert “(1A),”;
  - (ii) in sub-paragraph (c)(i), after “(1)(b),” insert “(1A),”;
  - (iii) in sub-paragraph (d), for “section 368” substitute “section 368(1)”;
- (g) in paragraph 7—
  - (i) for sub-paragraph (c) substitute—

“(c) in subsection 391 (publication)—

(i) for subsection (1ZB)(a) substitute—

“(1ZB) A warning notice falls within this subsection if it is given under regulation 86 of the Payment Services Regulations 2009.”;

(ii) in subsection (10), for “has the same meaning as in section 395” substitute “means a notice given under regulation 11(6), (9) or (10)(b) (including as applied by regulation 14) of the Payment Services Regulations 2009.”;

(ii) in sub-paragraph (e), for “Authority’s” substitute “FCA’s and PRA’s”.

### **Transitional provision in connection with the Payment Services Regulations 2009**

**156.**—(1) Regulation 42 (changes in contractual information) of the Payment Services Regulations 2009 does not require a payment service provider to provide its payment service users with notice of the proposed change of the name or identity of its regulator resulting from section 6 of the Financial Services Act 2012 (the new Regulators).

(2) Each payment service provider must inform its relevant payment service users no later than 1st April 2014 of the name or identity of its regulator resulting from section 6 of that Act.

(3) In this paragraph—

(a) terms which are defined in the Payment Services Regulations 2009 have the meaning given in those Regulations;

(b) “relevant payment service users”, in relation to a payment service provider, means those persons who were payment service users of that payment service provider immediately before 1st April 2013 and which are such payment service users on the date on which the information required under sub-paragraph (2) is given.

### **The Companies (Disclosure of Address) Regulations 2009**

**157.** In the Companies (Disclosure of Address) Regulations 2009(b)—

(a) in Schedule 1 (specified public authorities)—

(i) for “the Financial Services Authority;” substitute—

“the Financial Conduct Authority;

the Prudential Regulation Authority;”;

(ii) in the entry beginning “any person exercising functions conferred by Part 6 of the Financial Services and Markets Act 2000 (official listing)” omit the words “or the competent authority under that Part”;

(iii) in the entry beginning “a person appointed to make a report under section 166”, after “section 166” insert “or 166A”;

(b) in paragraph 7(b) of Schedule 2 (conditions for permitted disclosure), for “rules made pursuant to section 146 of the Financial Services and Markets Act 2000 (money laundering rules)” substitute “rules made pursuant to section 137A of the Financial Services and Markets Act 2000(c) which relate to the prevention and detection of money laundering in connection with the carrying on of regulated activities by authorised persons”.

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(a) Inserted by Schedule 9 to the Financial Services Act 2012.

(b) S.I. 2009/214.

(c) Section 146 of FSMA 2000 was repealed by section 24 of the Financial Services Act 2012.

### **The Banking Act 2009 (Bank Administration) (Modification for Application to Banks in Temporary Public Ownership) Regulations 2009**

**158.** In table 2 in the Schedule to the Banking Act 2009 (Bank Administration) (Modification for Application to Banks in Temporary Public Ownership) Regulations 2009(a) (specific modifications)—

- (a) for “3 individuals” substitute “up to 4 individuals”;
- (b) at the end of sub-paragraph (ii) omit “and”;
- (c) for sub-paragraph (iii) substitute—
  - “(iii) the Financial Conduct Authority; and
  - (iv) the Prudential Regulation Authority.”.

### **The Banking Administration (Sharing Information) Regulations 2009**

**159.** In regulation 9(d) (information to be provided on request by the bank administrator to the bridge bank) of the Banking Administration (Sharing Information) Regulations 2009(b), for “FSA” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

### **The Banking Act 2009 (Restriction of Partial Property Transfers) Order 2009**

**160.** In the Banking Act 2009 (Restriction of Partial Property Transfers) Order 2009(c)—

- (a) in article 1(3) (citation, commencement and interpretation), for the definition of “eligible claimant” substitute—
  - ““eligible claimant” has the meaning given by rules made by the Financial Conduct Authority or the Prudential Regulation Authority under section 213 of the Financial Services and Markets Act 2000;”;
- (b) in article 5(5) (secured liabilities), for “the Financial Services Authority” substitute “the Financial Conduct Authority or the Prudential Regulation Authority”.

### **The Bank Administration (Scotland) Rules 2009**

**161.** In the Bank Administration (Scotland) Rules 2009(d)—

- (a) in rule 4(1) (interpretation), omit sub-paragraph (f);
- (b) in rule 5, for paragraph (e) substitute—
  - “(e) “appropriate regulator rules” means rules made by the Financial Conduct Authority or the Prudential Regulation Authority, as amended from time to time, under section 213 of the Financial Services and Markets Act 2000;
  - (ea) the appropriate regulator” in relation to a bank means—
    - (i) if the bank is a PRA-authorised person (within the meaning of the Financial Services and Markets Act 2000), the Prudential Regulation Authority and the Financial Conduct Authority;
    - (ii) in any other case, the Financial Conduct Authority;”;
- (c) in rule 13 (service) for “FSA” substitute “the Financial Conduct Authority or the Prudential Regulation Authority”;
- (d) in rule 16 (notice of order), after “four” insert “or, if the bank is a PRA-authorised person (within the meaning of the Financial Services and Markets Act 2000), five”;
- (e) for “FSA”, in each other place it appears, substitute “appropriate regulator”.

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(a) S.I. 2009/312.

(b) S.I. 2009/314.

(c) S.I. 2009/322; amended by S.I. 2009/1826 and S.I. 2011/1043.

(d) S.I. 2009/350 (S. 4), amended by S.I. 2009/3056 and S.I. 2010/2578.

## The Bank Insolvency (Scotland) Rules 2009

### 162. In the Bank Insolvency (Scotland) Rules 2009(a)—

- (a) in rule 3(2) (application of rules, construction and interpretation)—
  - (i) after the definition of “the 2009 Act”, insert—
    - ““the appropriate regulator” means in relation to a bank—
    - (a) if the bank is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), the Prudential Regulation Authority and the Financial Conduct Authority;
    - (b) in any other case, the Financial Conduct Authority;”;
  - (ii) omit the definition of “the FSA”;
  - (iii) for the definition of “FSA Rules” substitute—
    - ““appropriate regulator rules” means the rules, as amended from time to time, made by the Financial Conduct Authority or the Prudential Regulation Authority under section 213 of the Financial Services and Markets Act 2000;”;
- (b) in rule 8 (appointment of bank liquidator by the court), for paragraph (4)(e)(i) substitute—
  - “(i) the Financial Conduct Authority, if it is not the applicant;
  - (ia) if the bank is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000) and the applicant is not the Prudential Regulation Authority, that Authority;”;
- (c) in rule 11(3) (appointment of provisional bank liquidator), in substituted rule 4.1(1) of the Insolvency (Scotland) Rules 1986, for paragraph (b) substitute—
  - “(b) by the Financial Conduct Authority, with the consent of the Bank of England;
  - (ba) in the bank is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), by the Prudential Regulation Authority, with the consent of the Bank of England; or”;
- (d) in rule 12(2) (order of appointment of provisional bank liquidator) for sub-paragraph (c) substitute—
  - “(c) the Financial Conduct Authority, if it is not the applicant;
  - (ca) if the bank is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000) and the applicant is not the Prudential Regulation Authority, that Authority;”;
- (e) in rule 31 (appointment by creditors), for paragraph (4) substitute—
  - “(4) The chair of the meeting shall send the certificate to the new bank liquidator who shall send a copy of the certificate to the applicant for the bank insolvency order if the applicant was—
  - (a) the Bank of England,
  - (b) the Financial Conduct Authority, or
  - (c) the Prudential Regulation Authority.”;
- (f) in rule 39(2) (removal of bank liquidator by the court), for “FSA” substitute “Financial Conduct Authority, the Prudential Regulation Authority”;
- (g) for “FSA”, in each other place it appears, substitute “appropriate regulator”.

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(a) S.I. 2009/351 (S.5), amended by S.I. 2009/3056 and S.I. 2010/2586 (S.7).

### **The Bank Insolvency (England and Wales) Rules 2009**

**163.** In the Bank Insolvency (England and Wales) Rules 2009(**a**)—

- (a) in rule 3(2) (application of rules, construction and interpretation)—
  - (i) omit the definition of “the FSA”;
  - (ii) after the definition of “the 2009 Act” insert—
    - ““the appropriate regulator” in relation to a bank means—
    - (a) if the bank is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), the Prudential Regulation Authority and the Financial Conduct Authority;
    - (b) in any other case, the Financial Conduct Authority;”;
- (b) in rule 10 (other persons to receive copy of application)—
  - (i) in paragraph (1), for sub-paragraph (c) substitute—
    - “(c) the Financial Conduct Authority, (if it is not the applicant);
    - (ca) if the bank is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000) and the applicant is not the Prudential Regulation Authority, that Authority;”;
  - (ii) in paragraph (1)(e), for “FSA” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (c) in rule 20(2) (appointment of provisional bank liquidator), for sub-paragraph (b) substitute—
  - “(b) by the Financial Conduct Authority, with the consent of the Bank of England;
  - (ba) if the bank is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), by the Prudential Regulation Authority with the consent of the Bank of England;”;
- (d) in rule 73 (disapplication of set off for eligible depositors), in paragraph (6), for the definition of “FSA Rules” substitute—
  - ““appropriate regulator rules” means the rules, as amended from time to time, made under section 213 of the Financial Services and Markets Act 2000 by the Financial Conduct Authority or the Prudential Regulation Authority;”;
- (e) in rule 94(2) (removal of bank liquidator by the court), for “FSA” substitute “Financial Conduct Authority, the Prudential Regulation Authority”;
- (f) for “FSA” in each other place it appears, substitute “the appropriate regulator”.

### **The Bank Administration (England and Wales) Rules 2009**

**164.** In the Bank Administration (England and Wales) Rules 2009(**b**)—

- (a) in rule 4(1) (interpretation), omit sub-paragraph (g);
- (b) in rule 5 (interpretation), after paragraph (a), insert—
  - “(aa) “the appropriate regulator” in relation to a bank means—
  - (a) if the bank is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), the Prudential Regulation Authority and the Financial Conduct Authority;
  - (bb) in any other case, the Financial Conduct Authority;”;

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(a) S.I. 2009/356, amended by S.I. 2010/2579.

(b) S.I. 2009/357, amended by S.I. 2010/2583.

- (c) in rule 12(1)(e) (Bank of England witness statement), rule 15(d) (service), rule 22(f) (hearing), for “FSA” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (d) in rule 24 (notice of order), after “4” insert “or, if the bank is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), 5”;
- (e) in rule 25, for paragraph (b) substitute—
  - “(b) one sealed copy to the Financial Conduct Authority,
  - (ba) if the bank is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), one sealed copy to the Prudential Regulation Authority, and”;
- (f) in rule 47A(6) (disapplication of set-off for protected deposits), for the definition of “FSA rules” substitute—
  - ““appropriate regulator rules” means the rules, as amended from time to time, made by the Financial Conduct Authority or the Prudential Regulation Authority under section 213 of the Financial Services and Markets Act 2000;”;
- (g) for “FSA”, in each other place it appears, substitute “appropriate regulator”.

### **The Unit Trusts (Electronic Communications) Order 2009**

**165.** In article 2 (interpretation) of the Unit Trusts (Electronic Communications) Order 2009(a)—

- (a) omit the definition of “the 2001 Instrument”;
- (b) in the definition of “Authority”, for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (c) at the appropriate place, insert—
  - ““FCA Handbook” is the Handbook of rules and guidance made by the Financial Conduct Authority under the Act;”;
- (d) for the definition of “manager” substitute—
  - ““manager” has the meaning given by that part of its definition in the Glossary of the FCA Handbook that relates to an authorised unit trust scheme;”;
- (e) for the definition of “register” substitute—
  - ““register” has the meaning given by that part of its definition in the Glossary of the FCA Handbook that relates to unitholders of an authorised unit trust scheme;”;
- (f) for the definition of “trust deed” substitute—
  - ““trust deed” has the meaning given by that part of its definition in the Glossary of the FCA Handbook that relates to an authorised unit trust scheme;”;
- (g) for the definition of “unit” substitute—
  - ““unit” has the meaning given by that part of its definition in the Glossary of the FCA Handbook that relates to an authorised unit trust scheme;”;
- (h) for the definition of “unitholder” substitute—
  - ““unitholder” has the meaning given by the FCA Handbook.”.

### **The Financial Services and Markets Act 2000 (Controllers) (Exemption) Order 2009**

**166.** In article 4(1) of the Financial Services and Markets Act 2000 (Controllers) (Exemption) Order 2009(b) (general exemption in respect of certain non-directive firms), for “(notifying the Authority)” substitute “(notifying the regulators)”.

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(a) S.I. 2009/555.

(b) S.I. 2009/774.



## **The Amendments to Law (Resolution of Dunfermline Building Society) Order 2009**

**167.** In the Amendments to Law (Resolution of Dunfermline Building Society) Order 2009(a)—

- (a) in article 6(4) (proceedings against directors), for “FSA” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (b) in article 9 (modification of the FSA’s rule making power)—
  - (i) for paragraph (1) substitute—

“(1) Section 137A(1) of FSMA (the FCA’s general rules) has effect as if at the end there were inserted “or for the purposes of, to facilitate or in consequence of the Dunfermline Building Society Property Transfer Instrument 2009”.

(1A) Section 137G(1) of FSMA (the PRA’s general rules) has effect as if at the end there were inserted “or for the purposes of, to facilitate or in consequence of the Dunfermline Building Society Property Transfer Instrument 2009”.”;
  - (ii) in paragraph (2), for “Section 148(2)” substitute “Section 138A(1)”;
  - (iii) in paragraph (3)—
    - (aa) for “Section 148(4)” substitute “Section 138A(4)”;
    - (bb) for “FSA” substitute “FCA or the PRA”;
    - (cc) for “section 148” substitute “section 138A”;
  - (iv) in paragraph (4), for “the FSA” substitute “that regulator”;
  - (v) in the heading, for “FSA’s rule-making power” substitute “regulators’ rule making powers”;
- (c) in article 10 (modification to the FSA’s duty to consult on rule changes)—
  - (i) in paragraph (1), for “Section 155(7)” substitute “Subsections (1) and (2) of section 138L”;
  - (ii) in paragraph (2)—
    - (aa) for “Section 157 of FSMA (guidance)” substitute “Section 139A of FSMA (power of the FCA to give guidance)”;
    - (bb) for “Section 155(7)” substitute “Section 138L(1)”;
  - (iii) in the heading, for “FSA’s duty” substitute “regulators’ duties”.

## **The Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2009**

**168.**—(1) In Schedule 1 to the Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2009(b)—

- (a) in the table entry beginning “Section 42(4)(c) (application for a restraint order under Part 2)” in column 2 of that entry—
  - (i) for “Financial Services Authority” substitute “Financial Conduct Authority”;
  - (ii) after paragraph (c)(xva) insert—

“(xvb) the Prudential Regulation Authority;”;
- (b) in the table entry beginning “Section 45(3) (seizure of property to which restraint order applies under Part 2)” in column 2 of that entry—
  - (i) for “Financial Services Authority” substitute “Financial Conduct Authority”;
  - (ii) after paragraph (b)(xa) insert—

“(xb) the Prudential Regulation Authority;”;

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(a) S.I. 2009/814.

(b) S.I. 2009/975; Schedule 1 was substituted by S.I. 2009/2707 and amended by S.I. 2011/2085.

- (c) in the table entry beginning “Section 68(3)(c) (authorisation for application for restraint order under Part 2)” in column 2 of that entry—
  - (i) for “Financial Services Authority” substitute “Financial Conduct Authority”;
  - (ii) after paragraph (b)(xivaa) insert—
    - “(xivb) the Prudential Regulation Authority and is not below the grade of Manager;”;
- (d) in the table entry beginning “Section 191(2)(c) (application for restraint order under Part 4)” in column 2 of that entry—
  - (i) for “Financial Services Authority” substitute “Financial Conduct Authority”;
  - (ii) after paragraph (c)(xiva) insert—
    - “(xivb) the Prudential Regulation Authority;”.
- (e) in the table entry beginning “Section 194(3) (seizure of property to which restraint order applies under Part 4)” in column 2 of that entry—
  - (i) for “Financial Services Authority” substitute “Financial Conduct Authority”;
  - (ii) after paragraph (b)(viii) insert—
    - “(viiiia) the Prudential Regulation Authority;”;
- (f) in the table entry beginning “Section 216(3)(c)(authorisation for application for restraint order under Part 4)” in column 2 of that entry—
  - (i) for “Financial Services Authority” substitute “Financial Conduct Authority”;
  - (ii) after paragraph (b)(xiiia) insert—
    - “(xiiib) the Prudential Regulation Authority and is not below the grade of Manager;”;
- (g) in the table entry beginning “Section 290(4)(c) (prior approval for search of cash under Chapter 3 of Part 5)” in column 2 of that entry—
  - (i) in the paragraph beginning “In relation to England and Wales”—
    - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
    - (bb) after paragraph (c)(xa) insert—
      - “(xb) the Prudential Regulation Authority and is not below the grade of Manager;”;
  - (ii) in the paragraph beginning “In relation to Northern Ireland”—
    - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
    - (bb) after paragraph (c)(viii) insert—
      - “(viiiia) the Prudential Regulation Authority and is not below the grade of Manager;”;
- (h) in the table entry beginning “Section 303A(1) (recovery of cash in summary proceedings under Chapter 3 of Part 5)” in column 2 of that entry—
  - (i) in the paragraph beginning “In relation to England and Wales”—
    - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
    - (bb) after paragraph (b)(xia) insert—
      - “(xib) the Prudential Regulation Authority;”;
  - (ii) in the paragraph beginning “In relation to Northern Ireland”—
    - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
    - (bb) after paragraph (b)(ix) insert—
      - “(ixa) the Prudential Regulation Authority;”;
- (i) in the table entry beginning “Section 352(7) (appropriate persons for the purposes of search and seizure warrants in confiscation, money laundering, civil recovery or detained cash investigation under Part 8)” in column 2 of that entry—
  - (i) in the paragraph beginning “In relation to England and Wales”—
    - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;

- (bb) after paragraph (b)(xia) insert—
  - “(xib) the Prudential Regulation Authority;”;
- (ii) in the paragraph beginning “In relation to Northern Ireland”—
  - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
  - (bb) after paragraph (b)(ix) insert—
  - “(ixa) the Prudential Regulation Authority;”;
- (j) in the table entry beginning “Section 353(11) (appropriate person for purposes where production order is not available for the purpose of a confiscation, money laundering, civil recovery or detained cash investigation under Part 8)” in column 2 of that entry—
  - (i) in the paragraph beginning “In relation to England and Wales”—
    - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
    - (bb) after paragraph (b)(xia) insert—
    - “(xib) the Prudential Regulation Authority;”;
  - (ii) in the paragraph beginning “In relation to Northern Ireland”—
    - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
    - (bb) after paragraph (b)(ix) insert—
    - “(ixa) the Prudential Regulation Authority;”;
- (k) in the table entry beginning “Section 378(1)(b) (appropriate officers for the purposes of confiscation investigations under Part 8)” in column 2 of that entry—
  - (i) in the paragraph beginning “In relation to England and Wales”—
    - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
    - (bb) after paragraph (b)(xva) insert—
    - “(xvb) the Prudential Regulation Authority;”;
  - (ii) in the paragraph beginning “In relation to Northern Ireland”—
    - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
    - (bb) after paragraph (b)(xiva) insert—
    - “(xivb) the Prudential Regulation Authority;”;
- (l) in the table entry beginning “Section 378(2)(d) (senior appropriate officers for the purposes of confiscation investigations)” in column 2 of that entry—
  - (i) in the paragraph beginning “In relation to England and Wales”—
    - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
    - (bb) after paragraph (b)(xiva) insert—
    - “(xivb) the Prudential Regulation Authority and is not below the grade of Manager;”;
  - (ii) in the paragraph beginning “In relation to Northern Ireland”—
    - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
    - (bb) after paragraph (b)(xiiia) insert—
    - “(xiiib) the Prudential Regulation Authority and is not below the grade of Manager;”;
- (m) in the table entry beginning “Section 378(3B) (appropriate officers for the purposes of detained cash investigations under Part 8)” in column 2 of that entry—
  - (i) in the paragraph beginning “In relation to England and Wales”—
    - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
    - (bb) after paragraph (b)(xi) insert—
    - “(xia) the Prudential Regulation Authority;”;
  - (ii) in the paragraph beginning “In relation to Northern Ireland”—

- (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (bb) after paragraph (b)(ix) insert—  
“(ixa) the Prudential Regulation Authority;”;
- (n) in the table entry beginning “Section 378(4)(a) (appropriate officers for the purposes of money laundering investigations)” in column 2 of that entry—
  - (i) in the paragraph beginning “In relation to England and Wales”—
    - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
    - (bb) after paragraph (b)(xva) insert—  
“(xvb) the Prudential Regulation Authority;”;
  - (ii) in the paragraph beginning “In relation to Northern Ireland”—
    - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
    - (bb) after paragraph (b)(xiii a) insert—  
“(xiii b) the Prudential Regulation Authority;”;
- (o) in the table entry beginning “Section 378(6)(c) (senior appropriate officers for the purposes of money laundering investigations)” in column 2 of that entry—
  - (i) in the paragraph beginning “In relation to England and Wales”—
    - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
    - (bb) after paragraph (b)(xiva) insert—  
“(xiv b) the Prudential Regulation Authority and is not below the grade of manager;”;
  - (ii) in the paragraph beginning “In relation to Northern Ireland”—
    - (aa) for “Financial Services Authority” substitute “Financial Conduct Authority”;
    - (bb) after paragraph (b)(xiii a) insert—  
“(xiib) the Prudential Regulation Authority and is not below the grade of manager;”.

### **The Building Societies (Insolvency and Special Administration) Order 2009**

**169.** Schedule 1 to the Building Societies (Insolvency and Special Administration) Order 2009(a) (modified application of Parts 2 and 3 of the Banking Act 2009 to building societies) is amended as follows—

- (a) in paragraph 30(9) (no more assets for distribution), for “FSA” substitute “FCA and, where relevant, the PRA”;
- (b) in paragraph 35—
  - (i) in sub-paragraph (2), for “the FSA” substitute “the FCA or the PRA”;
  - (ii) in sub-paragraph (3)(b), for “the FSA’s power” in both places it appears substitute “the power of the FCA or PRA”.

### **The Building Society Special Administration (Scotland) Rules 2009**

**170.** In the Building Society Special Administration (Scotland) Rules 2009(b)—

- (a) in rule 4(1) (interpretation)—
  - (i) after sub-paragraph (b), insert—  
“(ba) “the appropriate regulator” in relation to a building society means—

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(a) S.I. 2009/805, as amended by S.I. 2010/1189.

(b) S.I. 2009/806.

- (i) if the building society is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), the Prudential Regulation Authority and the Financial Conduct Authority;
- (ii) in any other case, the Financial Conduct Authority;”;
- (ii) in the definition of “principal office” in sub-paragraph (i), for “FSA” substitute “the Financial Conduct Authority”;
- (iii) in the definition of “registered name” in sub-paragraph (j), for “FSA” substitute “Financial Conduct Authority”;
- (iv) omit sub-paragraph (l)(ii);
- (b) in rule 13 (notification), for “Authority” substitute “Financial Conduct Authority and the Prudential Regulation Authority”;
- (c) in rule 15 (notice of order) for “four” substitute “four or, if the building society is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), five”;
- (d) in rule 16 (notice of order), for paragraph (b), substitute—
  - “(b) one certified copy to the Financial Conduct Authority;
  - (ba) if the building society is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), one certified copy to the Prudential Regulation Authority; and”;
- (e) in rule 40 (general modifications), in paragraph (l) for “FSA” substitute “Financial Conduct Authority”;
- (f) for “FSA”, in each other place it appears, substitute “appropriate regulator”.

#### **The Zimbabwe (Financial Sanctions) Regulations 2009**

**171.** In paragraph 6(1)(d) (disclosure of information by the Treasury) of the Schedule to the Zimbabwe (Financial Sanctions) Regulations 2009(a), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority, or the Bank of England”.

#### **The Burma/Myanmar (Financial Restrictions) Regulations 2009**

**172.** In paragraph 6(1)(d) (disclosure of information by the Treasury) of the Schedule to the Burma/Myanmar (Financial Restrictions) Regulations 2009(b), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority, or the Bank of England”.

#### **The Overseas Companies Regulations 2009**

**173.** In the Overseas Companies Regulations 2009(c)—

- (a) in Schedule 1 (specified public authorities)—
  - (i) for “the Financial Services Authority;” substitute—
    - “the Financial Conduct Authority;
    - the Prudential Regulation Authority;”;
  - (ii) for “any person exercising functions conferred by Part 6 of the Financial Services and Markets Act 2000 (official listing) or the competent authority under that Part” substitute “any person exercising functions conferred by Part 6 of the Financial Services and Markets Act 2000 (official listing)”;

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(a) S.I. 2009/847.  
 (b) S.I. 2009/1495.  
 (c) S.I. 2009/1801.

- (iii) in the entry beginning “a person appointed to make a report under section 166”, after “section 166” insert “or section 166A”;
- (b) in paragraph 7(b) of Schedule 2 (conditions for permitted disclosure), for “rules made pursuant to section 146 of the Financial Services and Markets Act 2000 (money laundering rules)” substitute “rules made pursuant to section 137A of the Financial Services and Markets Act 2000 which relate to the prevention and detection of money laundering in connection with the carrying on of regulated activities by authorised persons”.

**The Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009**

**174.** In regulation 48 of the Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009(a) (main provisions), in the modifications to section 995(1) of the Companies Act 2006 (petition by Secretary of State)—

- (a) in paragraph (c), for “the Secretary of State or the Financial Services Authority” substitute “the Secretary of State, the Bank of England, the Financial Conduct Authority or the Prudential Regulation Authority”;
- (b) in paragraph (d), for “appointed by him or the Financial Services Authority” substitute “appointed by the Secretary of State, the Bank of England, the Financial Conduct Authority or the Prudential Regulation Authority”.

**The Dunfermline Building Society Independent Valuer Order 2009**

**175.** In article 17(iii) of the Dunfermline Building Society Independent Valuer Order 2009(b), for “omit subsection (6)” substitute ““omit subsections (6), (6A) and (7A)”(c).

**The General Insurers’ Technical Provisions (Appropriate Amount) (Tax) Regulations 2009**

**176.** In regulation 8 (provisions supplementing regulations 5 and 7) of the General Insurers’ Technical Provisions (Appropriate Amount) (Tax) Regulations 2009(d), for paragraph (6) substitute—

“(6) In paragraph (5), “IPRU (INS)” means the Interim Prudential Sourcebook for Insurers made by the Prudential Regulation Authority under the Financial Services and Markets Act 2000.”.

**The Company, Limited Liability Partnership and Business Names (Public Authorities) Regulations 2009**

**177.** In the Schedule to the Company, Limited Liability Partnership and Business Names (Public Authorities) Regulations 2009(e) (specified “public authorities” and list of government departments and other bodies whose views must be sought)—

- (a) in the table, for the entry for “the Financial Services Authority” substitute—
 

“Financial Conduct Authority.	Financial Conduct Authority”;
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- (b) after the entry for “Northern Ireland Audit Office” insert—
 

“Prudential Regulation Authority	Prudential Regulation Authority”.
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(a) S.I. 2009/1804.  
 (b) S.I. 2009/1810, amended by S.I. 2010/22.  
 (c) Sections 133(6A) and 133(7A) of FSMA 2000 were inserted by section 23 of the Financial Services Act 2012.  
 (d) S.I. 2009/1926.  
 (e) S.I. 2009/2982; the Schedule was amended by S.I. 2012/2007.

### **The Offshore Funds (Tax) Regulations 2009**

178. In regulation 74(2) of the Offshore Funds (Tax) Regulations 2009(a) (the equivalence condition), for “Financial Services Authority” substitute “Financial Conduct Authority”.

### **The Burma (Restrictive Measures) (Overseas Territories) Order 2009**

179. In article 26(1)(e) of the Burma (Restrictive Measures)(Overseas Territories) Order 2009(b)(provisions supplementary to articles 23 to 25), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

### **The Scottish and Northern Ireland Banknote Regulations 2009**

180. In regulation 17 of the Scottish and Northern Ireland Banknote Regulations 2009(c) (permitted publication or disclosure of information)—

(a) for paragraph (2)(h) substitute—

“(h) the disclosure is made to the Treasury, the Financial Conduct Authority or the Prudential Regulation Authority, and the Bank of England considers that the disclosure would assist—

(i) the Financial Conduct Authority or the Prudential Regulation Authority (as the case may be) in the discharge of their functions under the Financial Services and Markets Act 2000(d), or

(ii) the Treasury in the discharge of their functions under the Financial Services and Markets Act 2000, the Act or these Regulations.”;

(b) in paragraph (3), for “Treasury or the Financial Services Authority” substitute “Treasury, the Financial Conduct Authority or the Prudential Regulation Authority”.

### **The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009**

181. In regulation 3 (definition of “investment”) of the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009(e), in paragraph (8) for “Financial Services Authority” substitute “Financial Conduct Authority”.

### **The Northern Rock plc Transfer Order 2009**

182. In the Northern Rock plc Transfer Order 2009(f)—

(a) in article 20 (modification to FSA’s rule-making power)—

(i) for paragraph (1) substitute—

“(1) Section 137A(1) of the 2000 Act (FCA’s general rules) has effect as if after “for the purpose of advancing one or more of its operational objectives” there were inserted “or for the purposes of, to facilitate or in consequence of, a transfer under section 6 or 8 of the Banking (Special Provisions) Act 2008.

(1A) Section 137G(1) of the 2000 Act (PRA’s general rules) has effect as if after “for the purpose of advancing any of its objectives” there were inserted “or for the purposes of, to facilitate or in consequence of, a transfer under section 6 or 8 of the Banking (Special Provisions) Act 2008.”;

(ii) in paragraph (2)—

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- (a) S.I. 2009/3001.  
(b) S.I. 2009/3008.  
(c) S.I. 2009/3056.  
(d) 2000 c.8.  
(e) S.I. 2009/3093.  
(f) S.I. 2009/3226.

- (aa) for “Section 148(2)” substitute “Section 138A”;
- (bb) for “the FSA” substitute “the Financial Conduct Authority or the Prudential Regulation Authority”;
- (cc) for “section 148” substitute “section 138A”;
- (iii) in paragraph (3)—
  - (aa) for “Section 148(4)” substitute “Section 138A(4)”;
  - (bb) for “the FSA” substitute “the Financial Conduct Authority or the Prudential Regulation Authority”;
  - (cc) for “section 148” substitute “section 138A”;
- (iv) in paragraph (4), for “the FSA” substitute “that regulator”;
- (v) in the heading, for “FSA’s” substitute “regulator’s”;
- (b) in article 21 (modification to FSA’s duty to consult on rule changes)—
  - (i) in paragraph (1)—
    - (aa) for “Section 155(7)” substitute “Subsections (1) and (2) of section 138L”;
    - (bb) for “has”, substitute “have”;
  - (ii) in paragraph (2)—
    - (aa) for “Section 157 of the 2000 Act (guidance)” substitute “Section 139A of the 2000 Act (power of the FCA to give guidance)”;
    - (bb) for “Section 155(7)” substitute “Section 138L(1)”;
  - (iii) in the heading, for “FSA’s” substitute “regulator’s”.

**The Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010**

**183.** In regulation 3 (definition of “investment”) of the Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010(a), in paragraph (8), for “Financial Services Authority” substitute “Financial Conduct Authority”.

**The Regulation of Investigatory Powers (Communications Data) Order 2010**

**184.** In Part 1 of the Schedule 2 to the Regulation of Investigatory Powers (Communications Data) Order 2010(b), for the entry for the “The Financial Services Authority” substitute—

“The Financial Conduct Authority	A Head of Department in the Enforcement and Financial Crime Division	A Manager in the Enforcement and Financial Crime Division	Section 22(2)(b)
The Prudential Regulation Authority	The Head of Regulatory Action		Section 22(2)(b)”.

**The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010**

**185.** In Part 1 of the Schedule to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010(c)(offices etc. and restrictions in respect of

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(a) S.S.I. 2010/233.  
 (b) S.I. 2010/480.  
 (c) S.I. 2010/521.



public authorities specified in Part 1 of Schedule 1 to the Act), for the entry for the “The Financial Services Authority”, substitute—

“The Financial Conduct Authority	A Head of Department in the Enforcement and Financial Crime Division	A Manager in the Enforcement and Financial Crime Division	Paragraph (b)
The Prudential Regulation Authority	The Head of Regulatory Action		Paragraph (b)”.

### **The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010**

**186.** In paragraph 17 of Schedule 2 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010(a) (regulated activities: general exceptions) for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”.

### **The Banking Act 2009 (Inter-Bank Payment Systems) (Disclosure and Publication of Specified Information) Regulations 2010**

**187.** In the Banking Act 2009 (Inter-Bank Payment Systems) (Disclosure and Publication of Specified Information) Regulations 2010(b)—

- (a) in regulation 7 (publication of specified information)—
  - (i) in paragraph (2)—
    - (aa) at the end of sub-paragraph (a), insert “or”;
    - (bb) omit sub-paragraph (b);
    - (cc) for “Financial Services Authority” substitute “the relevant regulator”;
  - (ii) after paragraph (2) insert—
- “(3) In this regulation, “the relevant regulator” means—
  - (a) in relation to a person who has, or who has applied for, permission under Part 4A of the Financial Services and Markets Act 2000 to carry on a PRA-regulated activity (within the meaning of that Act), the Financial Conduct Authority and the Prudential Regulation Authority;
  - (b) in any other case, the Financial Conduct Authority.”;
- (b) in the Schedule (persons to whom the Bank of England may disclose specified information for specified purposes), for “section 15 of the Financial Services and Markets Act 2000 (power to appoint a person to hold an inquiry)”, substitute “section 68 of the Financial Services Act 2012 (cases in which Treasury may arrange independent inquiries)”.

### **The Credit Rating Agencies Regulations 2010**

**188.** The Credit Rating Agencies Regulations 2010(c) are amended as follows—

- (a) in regulation 2(1) (interpretation)—
  - (i) omit the definition of “the Authority”;
  - (ii) after the definition of “ESMA” insert—
    - ““the FCA” means the Financial Conduct Authority.”;

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(a) S.I. 2010/781.  
 (b) S.I. 2010/828.  
 (c) S.I. 2010/906; amended by S.I.2011/1435.

- (b) before regulation 3 (designation of competent authority), in the heading for Part 2, for “The Authority” substitute “The Financial Conduct Authority”;
- (c) in regulation 3 (designation of competent authority), for “The Authority” substitute “The FCA”;
- (d) in regulation 5 (disclosure of confidential information)—
  - (i) for “Authority etc” substitute “FCA, PRA etc”,
  - (ii) for “Authority” substitute “FCA”;
- (e) in regulation 6 (guidance), for “Authority” in each place it appears, substitute “FCA”;
- (f) in regulation 7 (miscellaneous)—
  - (i) for “Authority” in each place it appears, substitute “FCA”;
  - (ii) for “Part 1 (general) and paragraphs 13 (status) and 19 (exemption from liability in damages) of Schedule 1” substitute “Part 1 (general) and paragraphs 16 (status) and 33 (exemption from liability in damages) of Schedule 1ZA”;
- (g) in regulation 32 (records of telephone and data traffic: Article 23c(1)(e) of the EC Regulation)—
  - (i) in paragraph (2) for “Authority” substitute “FCA”;
  - (ii) in paragraph (3) for “Authority” substitute “FCA”;
- (h) in regulation 33 (inspections: Article 23d of the EC Regulation), in each place it appears, for “Authority” substitute “FCA”.

**The Financial Services and Markets Act 2000 (Contribution to Costs of Special Resolution Regime) Regulations 2010**

**189.** In regulation 17 of the Financial Services and Markets Act 2000 (Contribution to Costs of Special Resolution Regime) Regulations 2010(a) (payments made under these Regulations to constitute payment of compensation under the scheme)—

- (a) in paragraph (2), for “FEES 6 Chapter” substitute “the relevant fees rules”;
- (b) in paragraph (4)—
  - (i) omit the definitions of “COMP Sourcebook” and “FEES 6 Chapter”,
  - (ii) for the definition of “in default” substitute—
    - ““in default” means in default in accordance with rules made by—
    - (a) if the banking institution is a PRA-authorized person, the PRA or the FCA;
    - (b) in any other case, the FCA;”;
- (c) after the definition of “protected deposit” insert—
  - ““relevant fees rules” means rules (as amended from time to time) made under section 213 of the Act by—
  - (a) if the banking institution is a PRA-authorized person, the PRA or the FCA;
  - (b) in any other case, the FCA.”.

**The Building Society Special Administration (England and Wales) Rules 2010**

**190.**—(1) The Building Society Special Administration (England and Wales) Rules 2010(b) are amended as follows.

(2) In rule 12 (Bank of England witness statement), for “FSA” substitute “FCA and where relevant the PRA”.

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(a) S.I. 2010/2220.  
 (b) S.I. 2010/2580.

- (3) In rule 20 (other notification) for “FSA” substitute “FCA and where relevant the PRA”.
- (4) In rule 24 (notice of order) for “four” substitute “four or, if the building society is a PRA-  
authorised person (within the meaning of the Financial Services and Markets Act 2000), five”;
- (5) In rule 25 for “FSA” substitute “FCA and where relevant the PRA”.
- (6) In rule 31 for “FSA” substitute “FCA and where relevant the PRA”.
- (7) In rule 38 for “FSA” substitute “FCA and where relevant the PRA”.
- (8) In rule 45 after “four” insert “or, if the building society is a PRA-  
authorised person (within the meaning of the Financial Services and Markets Act 2000), five”.
- (9) In rule 46 for “FSA” substitute “FCA and where relevant the PRA”.
- (10) In rule 49 (disapplication of set-off for protected deposits)—
  - (a) in paragraph (1)(a), for “FSA Rules” substitute “the appropriate regulator’s rules”;
  - (b) in paragraph (6)—
    - (i) for the definition of “FSA Rules” substitute—
      - ““appropriate regulator’s rules” means the rules, as amended from time to time, made  
under section 213 of the Financial Services and Markets Act 2000 by—
      - (a) if the building society is a PRA-  
authorised person (within the meaning of that  
Act), the PRA or the FCA;
      - (b) in any other case, the FCA;”;
    - (ii) in the definition of “protected deposit” for “FSA Rules” substitute “the appropriate  
regulator’s rules”.
- (11) In rule 50 (end of special administration: successful rescue) for “FSA” in both places  
substitute “FCA and where relevant the PRA”.
- (12) In rule 51 (end of special administration: dissolution) for “FSA” in each place substitute  
“FCA and where relevant the PRA”.
- (13) In rule 54 (right to inspect file) for “FSA” substitute “FCA and where relevant the PRA”.
- (14) In rule 62(p) (general modifications), for “FSA” substitute “FCA”.
- (15) In rule 63 (table of applications and special modifications) for “FSA” substitute—
  - (a) in the entry relating to rule 2.128, “FCA”;
  - (b) in every other place substitute “FCA and where relevant the PRA”.

### **The Building Society Insolvency (England and Wales) Rules 2010**

**191.**—(1) The Building Society Insolvency (England and Wales) Rules 2010(a) are amended as follows.

- (2) In rule 3 (application, construction and interpretation)—
  - (a) in paragraph (2)—
    - (i) after the definition of “the 2010 Rules”, insert—
      - ““the appropriate regulator”, in relation to a building society, means—
      - (a) if the building society is a PRA-  
authorised person (within the meaning of the  
Financial Services and Markets Act 2000), the Prudential Regulation Authority  
and the Financial Conduct Authority (except in rules 20, 74, 95(2) and 180 when it  
means the Prudential Regulation Authority or the Financial Conduct Authority);
      - (b) in any other case, the Financial Conduct Authority;”;
    - (ii) omit the definition of “the FSA”;

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(a) S.I. 2010/2581.

- (iii) in the definition of “principal office”, for “FSA”, in each place, substitute “Financial Conduct Authority”;
- (iv) in the definition of “registered name”, for “FSA” substitute “Financial Conduct Authority”;
- (b) in paragraph (6)(u), for “FSA” substitute “Financial Conduct Authority”.
- (3) In rule 74 (disapplication of set-off for eligible depositors)—
  - (a) in paragraph (1), for “FSA Rules” substitute “the appropriate regulator’s rules”;
  - (b) in paragraph (6)—
    - (i) for the definition of “FSA Rules” substitute—
      - ““appropriate regulator’s rules” means the rules, as amended from time to time, made under section 213 of the Financial Services and Markets Act 2000 by—
      - (a) if the building society is a PRA-authorized person (within the meaning of that Act), the Prudential Regulation Authority or the Financial Conduct Authority; or
      - (b) in any other case, the Financial Conduct Authority;”;
    - (ii) in the definition of “protected deposit”, for “FSA Rules” substitute “the appropriate regulator’s rules”.
- (4) In rule 181 (procedure following appeal under section 116 of the Banking Act)—
  - (a) for “the FSA” in the first place those words appear substitute “the Financial Conduct Authority or the Prudential Regulation Authority”;
  - (b) for “the FSA” in the second place it appears substitute “the regulator in question”.
- (5) For “FSA”, in every other place it appears, substitute “appropriate regulator”.

### **The Building Society Insolvency (Scotland) Rules 2010**

- 192.**—(1) The Building Society Insolvency (Scotland) Rules 2010(a) are amended as follows.
- (2) In rule 3 (application of rules, construction and interpretation)—
- (a) in paragraph (2)—
    - (i) after the definition of “the 2010 Rules”, insert—
      - ““the appropriate regulator”, in relation to a building society, means—
      - (a) if the building society is a PRA-authorized person (within the meaning of the Financial Services and Markets Act 2000), the Prudential Regulation Authority and the Financial Conduct Authority (except in rules 11(2), 40(2) and 87 where it means the Prudential Regulation Authority or the Financial Conduct Authority);
      - (b) in any other case, the Financial Conduct Authority;”;
    - (ii) omit the definition of “the FSA”;
    - (iii) for the definition of “FSA Rules” substitute—
      - ““appropriate regulator’s rules” means the rules, as amended from time to time, made under section 213 of the Financial Services and Markets Act 2000 by—
      - (a) if the building society is a PRA-authorized person (within the meaning of that Act), the Prudential Regulation Authority or the Financial Conduct Authority; or
      - (b) in any other case, the Financial Conduct Authority;”;
    - (iv) in the definition of “principal office”, for “FSA”, in each place, substitute “Financial Conduct Authority”;
    - (v) in the definition of definition of “protected deposit” for “FSA Rules” substitute “appropriate regulator’s rules”;

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(a) S.I 2010/2584 (S.6).

- (vi) in the definition of “registered name”, for “FSA” substitute “Financial Conduct Authority”;
- (b) in paragraph (6)(s), for “FSA” substitute “Financial Conduct Authority”.
- (3) In rule 31(1) (rights of eligible depositor and set-off), for “FSA Rules” substitute “appropriate regulator’s rules”.
- (4) In rule 32(4) (appointment by creditors), for “or the FSA (if the FSA was that applicant)” substitute “the Financial Conduct Authority (if it was that applicant) or the Prudential Regulation Authority (if it was that applicant)”.
- (5) In rule 40(7) (removal of building society liquidator by the court), after “three copies” insert “(unless the building society is a PRA-authorized person in which case four copies shall be sent)”.
- (6) In rule 88 (procedure following appeal under section 116 of the Banking Act)—
  - (a) for “the FSA” in the first place those words appear substitute “the Financial Conduct Authority or the Prudential Regulation Authority”;
  - (b) for “the FSA” in the second place those words appear substitute “the regulator in question”.
- (7) In rule 90 (dissolution after winding up), for ““FSA”” substitute ““Financial Conduct Authority””.
- (8) For “the FSA”, in every other place it appears, substitute “the appropriate regulator”.

#### **The Official Statistics Order 2010**

**193.** In the Schedule to the Official Statistics Order 2010(a) for “Financial Services Authority” substitute “Financial Conduct Authority”.

#### **The Somalia (Asset-Freezing) Regulations 2010**

**194.** In paragraph 5(1)(e) of the Schedule to the Somalia (Asset-Freezing) Regulations 2010(b) (information provisions) for the “the Financial Services Authority” substitute “the Financial Conduct Authority or the Prudential Regulation Authority”.

#### **The Financial Services and Markets Act 2000 (Administration Orders Relating to Insurers) Order 2010**

**195.** In the Financial Services and Markets Act 2000 (Administration Orders Relating to Insurers) Order 2010(c)—

- (a) in article 3 (application and modification of the Insolvency Rules 1986 in relation to insurers), for “Financial Services Authority” substitute “Financial Conduct Authority and, where the person is a PRA-authorized person within the meaning of the Financial Services and Markets Act 2000, the Prudential Regulation Authority”;
- (b) in article 4 (application and modification of the Insolvency (Scotland) Rules 1986 in relation to insurers), for “the Financial Services Authority” substitute “the Financial Conduct Authority and, where the person is a PRA-authorized person within the meaning of the Financial Services and Markets Act 2000, the Prudential Regulation Authority”;
- (c) in the Schedule (modifications of Part 2 of the Insolvency Act 1986 in relation to insurers)—
  - (i) in paragraph 2(1), in the inserted paragraph 3A, for “Financial Services Authority”—

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(a) S.I. 2010/2893.  
 (b) S.I. 2010/2956.  
 (c) S.I. 2010/3023.

- (aa) in sub-paragraph (3)(b), substitute “Prudential Regulation Authority and, if the insurer is not a PRA-authorized person within the meaning of the Financial Services and Markets Act 2000, the Financial Conduct Authority”;
- (bb) in sub-paragraph (10)(c), substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (ii) in paragraph 3 for “Financial Services Authority” substitute “Financial Conduct Authority and the Prudential Regulation Authority”;
- (iii) in paragraph 4 for “Financial Services Authority” substitute “Financial Conduct Authority and the Prudential Regulation Authority”;
- (iv) in paragraph 5 for “Financial Services Authority” substitute “Financial Conduct Authority and the Prudential Regulation Authority”;
- (v) in paragraph 8 for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”;
- (vi) in paragraph 9(c) for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”.

### **The Electronic Money Regulations 2011**

**196.**—(1) The Electronic Money Regulations 2011(a) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “the Authority”, for “Financial Services Authority” substitute “Financial Conduct Authority”.

(3) In regulation 59 (costs of supervision) for paragraph (1) substitute—

“(1) The functions of the Authority under these Regulations are to be treated for the purposes of paragraph 23 (fees) of Part 3 of Schedule 1ZA to the 2000 Act as functions conferred on the Authority under that Act with the following modifications—

- (a) section 1B(5)(a) of the 2000 Act (the FCA’s general duties) does not apply to the making of rules under paragraph 23 of Part 3 of Schedule 1ZA by virtue of this regulation;
- (b) rules made under paragraph 23 of Part 3 of Schedule 1ZA by virtue of this regulation are not to be treated as regulating provisions for the purposes of section 140A(1) of the 2000 Act (competition scrutiny)(b);
- (c) paragraph 23(7) does not apply.”.

(4) In regulation 61 (Authority’s exemption from liability in damages), for “paragraph 19 (exemption from liability in damages) of Part 4 of Schedule 1 to the 2000 Act” substitute “paragraph 25 (exemption from liability in damages) of Part 4 of Schedule 1ZA to the 2000 Act”.

(5) In Schedule 3 (application and modification of legislation)—

(a) in paragraph 1 (disciplinary powers), for sub-paragraph (a)(c) substitute—

“(a) for subsection (2) substitute—

“(2) For the purpose of action by the FCA, a person is guilty of misconduct if, while a relevant person, the person has been knowingly concerned in a contravention of the Electronic Money Regulations 2011 by an electronic money issuer which is an electronic money institution, credit institution, credit union or municipal bank.”;

(b) in paragraph 2 (the Tribunal), in sub-paragraph (a), after paragraph (ii) insert—

“(iia) for subsection (7A) substitute—

“(7A) A reference is a “disciplinary reference” for the purposes of this section if it is in respect of any of the following decisions—

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(a) S.I. 2011/99.

(b) Substituted by section 24 of the Financial Services Act 2012.

(c) Substituted by Schedule 5 to the Financial Services Act 2012.

- (a) a decision to publish a statement under regulation 50 of the Electronic Money Regulations 2011;
  - (b) a decision to impose a penalty under regulation 51 of those Regulations;
  - (c) a decision to suspend or impose a restriction on authorisation under regulation 52 of those Regulations;
  - (d) a decision to take action under section 66(a) of the 2000 Act as applied by those Regulations;
  - (e) a decision to take action under section 345(b) of the 2000 Act as applied by those Regulations.”;”;
- (c) in paragraph 3 (information gathering and investigations)—
- (i) in sub-paragraph (a)—
    - (aa) in the heading to section 165, for “Authority’s” substitute “Regulator’s”;
    - (bb) in paragraph (iii), for “(b) and (c)” substitute “(b), (c) and (d)”;
  - (ii) for sub-paragraph (b) substitute—
    - “(b) in section 166 (reports by skilled persons)(c)—
      - (i) in subsection (2), for paragraph (a) substitute—
        - “(a) a person mentioned in paragraph (a), (b), (c), (d), (h) or (i) of the definition of “electronic money issuer” in regulation 2(1) of the Electronic Money Regulations 2011 (“A”);
      - (ii) omit subsections (10) and (11);”;
  - (iii) after sub-paragraph (b) insert—
    - “(ba) in section 166A (appointment of skilled person to collect and update information)(d), for each reference to an “authorised person” substitute “person mentioned in paragraph (a), (b), (c), (d), (h) or (i) of the definition of “electronic money issuer” in regulation 2(1) of the Electronic Money Regulations 2011;”;
  - (iv) in sub-paragraph (c)—
    - (aa) in paragraph (i) omit sub-paragraph (aa);
    - (bb) at the end of paragraph (iii) omit “and”;
    - (cc) after paragraph (iii) insert—
      - “(iiia) for subsection (5A) substitute—
        - “(5A) “Investigating authority” means the FCA.”; and”;
  - (v) in sub-paragraph (d)—
    - (aa) in paragraph (i) for sub-paragraph (aa) substitute—
      - “(aa) before paragraph (b) insert—
        - “(ab) a person may have contravened any requirement of or imposed under the Electronic Money Regulations 2011;”;
    - (bb) in paragraph (i)(bb) for “191” substitute “191F(e)”;
    - (cc) for paragraph (iv) substitute—
      - “(iv) for subsection (6), substitute—
        - “(6) “Investigating authority” means the FCA.”;”;
  - (vi) in sub-paragraph (e)(i) omit “, 351”;

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(a) Amended by section 12 of and Schedule 2 to the Financial Services Act 2010 and Schedule 5 to the Financial Services Act 2012.

(b) Substituted by Schedule 13 to the Financial Services Act 2012.

(c) Substituted by Schedule 12 to the Financial Services Act 2012.

(d) Inserted by Schedule 12 to the Financial Services Act 2012.

(e) Inserted by S.I.2009/534 and amended by section 26 of the Financial Services Act 2012.

- (vii) in sub-paragraph (f)(iii) for “the Authority” substitute “the FCA”;
- (d) in paragraph 4 (control over electronic money institutions)—
  - (i) after sub-paragraph (a) insert—
    - “(aa) in section 178(a) for subsection (2A) substitute—
      - “(2A) In this Part, “the appropriate regulator” means the FCA.”;
      - (ab) in section 187(2)(b)(b) omit “section 187A(3)(b) or”;
      - (ac) omit section 187A(c);”;
    - (ii) after sub-paragraph (b) insert—
      - “(ba) in section 191A(d) omit subsection (4A);”;
    - (iii) for sub-paragraph (c) substitute—
      - “(c) in section 191B(e) (restriction notices)—
        - (i) omit subsection (2A);
        - (ii) after subsection (2B) insert—
          - “(2C) In a restriction notice, the FCA must direct that voting power to which the notice relates is, until further notice, not to be exercisable.”;
        - (iii) for subsection (3)(b) substitute—
          - “(b) voting power that has been exercised as a result of the acquisition is void;”;
    - (iv) after sub-paragraph (c) insert—
      - “(ca) in section 191C(f) omit subsection (2A);
      - (cb) in section 191D(g) omit subsection (1A);”;
    - (v) in sub-paragraph (d), in the inserted section 191EA and in the heading to that section, for “the Authority” substitute “the FCA”;
  - (e) in paragraph 5 (auditors and actuaries)—
    - (i) at the end of sub-paragraph (a) omit “and”;
    - (ii) after sub-paragraph (a) insert—
      - “(aa) for references to “appropriate regulator” or “regulator” substitute “FCA”;
      - (ab) omit all references to “recognised investment exchange”;
      - (ac) in section 340(h) omit subsections (3A),(5A) and (8)(b);
      - (ad) in section 344(i) omit subsection (4);
      - (ae) in section 345(j)—
        - (i) in subsection (2)(a) omit “or any particular class of authorised person;”;
        - (ii) omit subsection (2)(b);
        - (iii) in subsection (3)(a), for “FCA-authorized person” substitute “electronic money institution”;
        - (iv) omit subsection (3)(b), (c) and (d);
        - (v) omit subsection (4);

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(a) Substituted by S.I. 2009/534 and amended by section 26 of the Financial Services Act 2012.  
 (b) Subsection 187(2) was substituted by section 26 of the Financial Services Act 2012.  
 (c) Inserted by section 26 of the Financial Services Act 2012.  
 (d) Inserted by S.I. 2009/534; amended by section 26 of the Financial Services Act 2012.  
 (e) Inserted by S.I. 2009/534; amended by section 26 of the Financial Services Act 2012.  
 (f) Inserted by S.I. 2009/534; amended by section 26 of the Financial Services Act 2012.  
 (g) Inserted by S.I. 2009/534; amended by section 26 of the Financial Services Act 2012.  
 (h) Amended by Schedule 13 to the Financial Services Act 2012.  
 (i) Amended by Schedule 13 to the Financial Services Act 2012.  
 (j) Substituted by Schedule 13 to the Financial Services Act 2012.



- (af) omit section 345A(a);
- (ag) in section 345B(b)—
  - (i) in paragraph (1) omit “or the PRA proposes to act under section 345A(3)”;
  - (ii) in paragraphs (4) and (7) omit “or the PRA decides to act under section 345A(3)”;
- (ah) in section 345C(c) omit “or 345A(4)(b)”;
- (ai) in section 345D(d) omit subsections (2) and (9);
- (f) in paragraph 6 (restrictions on disclosure of information)—
  - (i) in the heading to section 348, for “Authority” substitute “FCA, PRA”;
  - (ii) omit “, 351 (competition information)”;
  - (iii) in sub-paragraph (a)—
    - (aa) for paragraph (i) substitute—
      - “(i) in subsection (2)(b) for the words from “, the PRA” to the end substitute “under the Electronic Money Regulations 2011; and”;
    - (bb) in paragraph (iii)(bb) for “(b) and (c)” substitute “(aa) and (c)”;
    - (cc) in paragraph (iii)(cc) for ““the Authority”” substitute “the FCA”;
    - (dd) for paragraph (iii)(dd) substitute—
      - “(dd) in paragraph (ea) for “a person mentioned in those paragraphs” substitute “the FCA”;
      - (ee) in paragraph (f) for “a person mentioned in those paragraphs” substitute “the FCA”;
    - (ee) for paragraph (iv) substitute—
      - “(iv) in subsection (6) for paragraphs (a) and (b) substitute “any body or person appointed under regulation 48 of the Electronic Money Regulations 2011”;
      - and”
  - (iv) for sub-paragraph (b) substitute—
    - “(b) in section 349(e)—
      - (i) in subsection (2)(c) omit “or the PRA”;
      - (ii) omit subsections (3A) and (3B).”;
- (g) in paragraph 7 (insolvency)—
  - (i) after sub-paragraph (a) insert—
    - “(aa) omit references to a recognised investment exchange;”;
  - (ii) for sub-paragraph (d) substitute—
    - “(d) in section 368(f), for “a regulator” in each place it appears substitute “the FCA”;”;
- (h) in paragraph 8 (warning notices and decision notices)—
  - (i) before sub-paragraph (a) insert—
    - “(za) in section 387(g) (warning notices), omit subsections (1A) and (3A);”;

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(a) Inserted by Schedule 13 to the Financial Services Act 2012.

(b) Inserted by Schedule 13 to the Financial Services Act 2012.

(c) Inserted by Schedule 13 to the Financial Services Act 2012.

(d) Inserted by Schedule 13 to the Financial Services Act 2012.

(e) Amended by section 964 of the Companies Act 2006 c. 46; Schedule 12 to the Financial Services Act 2012; S.I. 2007/1093 and S.I. 2011/1043.

(f) Section 368 was amended by schedule 14 to the Financial Services Act 2012.

(g) Amended by Schedule 9 to the Financial Services Act 2012.

- (ii) in sub-paragraph (a) after for “subsection (2)” substitute “omit subsections (1A) and (2)”;
- (iii) in sub-paragraph (c)—
  - (aa) before sub-paragraph (i) insert—
    - “(iza) for subsection (1ZB) substitute—
      - “(1ZB) A warning notice falls within this subsection if it is given under—
        - (a) section 67;
        - (b) section 345B;
        - (c) regulation 10 of the Electronic Money Regulations 2011 (including regulation 10 as applied by regulation 15 of those Regulations);
        - (d) regulation 29 of those Regulations;
        - (e) regulation 35 of those Regulations;
        - (f) regulation 53 of those Regulations; or
        - (g) regulation 56 of those Regulations.”;
    - (izb) omit subsection (6A);”;
- (iv) in sub-paragraph (e) for “(the Authority’s procedures)” substitute “(the FCA’s and PRA’s procedures)”.

#### **The Legal Services Act 2007 (Disclosure of Restricted Information) Order 2011**

**197.** In Schedule 1 to the Legal Services Act 2007 (Disclosure of Restricted Information) Order 2011(a) (persons to whom information may be disclosed), for “The Financial Services Authority” substitute—

“The Financial Conduct Authority  
 The Prudential Regulation Authority  
 The Bank of England (in its capacity as a regulator of recognised clearing houses (within the meaning of the Financial Services and Markets Act 2000)).”.

#### **The Investment Bank Special Administration Regulations 2011**

**198.** In the Investment Bank Special Administration Regulations 2011(b)—

- (a) in regulation 2(1) (interpretation)—
  - (i) in the definition of “Authorities”, for “and the FSA” substitute “, the FCA and the PRA”;
  - (ii) for the definition of “FSA” substitute—
    - ““FCA” means the Financial Conduct Authority;”;
  - (iii) after the definition beginning “Objective 1”, insert—
    - ““PRA” means the Prudential Regulation Authority;
    - “PRA-authorised person” has the meaning given by FSMA;”;
  - (iv) in the definition of “recognised overseas clearing house”, for “the FSA has made a recognition order” substitute “a recognition order has been made”;
  - (v) in the definition of “recognised overseas investment exchange”, for “the FSA has made a recognition order” substitute “a recognition order has been made”;
  - (vi) after the definition of “recognised overseas investment exchange”, insert—

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(a) S.I. 2011/122.  
 (b) S.I. 2011/245.

- ““the regulators” means the FCA and the PRA, and references to a regulator are to be read accordingly;”;
- (vii) in the definition of “statement of proposals”, for “FSA” substitute “FCA or, where relevant, the PRA”;
  - (b) in regulation 3 (overview)—
    - (i) in paragraph (2)(c), for “FSA” substitute “FCA or, where relevant, the PRA”;
    - (ii) in paragraph (3)(b), for “or, as the case may be, the FSA” substitute “, the FCA or, in certain cases, the PRA”;
  - (c) in regulation 5 (application)—
    - (i) in paragraph (1)—
      - (aa) at the end of sub-paragraph (g), omit “or”;
      - (bb) for sub-paragraph (h) substitute—
        - “(h) the FCA; or
        - (i) if the investment bank is a PRA-authorised person, the PRA.”;
        - (ii) in paragraph (2), for “FSA”, in each place it appears, substitute “FCA”;
    - (iii) after paragraph (2), insert—
      - “(2A) Where an application is made by a person other than the PRA in relation to an investment bank which is a PRA-authorised person, the PRA is entitled to be heard at—
        - (a) the hearing of the application for special administration; and
        - (b) any other hearing of the court in relation to the investment bank under these Regulations.”;
    - (iv) in paragraph (4), for “FSA” substitute “appropriate regulator”;
  - (d) in regulation 6(2) (grounds for applying), for “FSA” substitute “FCA or, where relevant, the PRA”;
  - (e) in regulation 7 (powers of the court)—
    - (i) in paragraph (1)—
      - (aa) in sub-paragraph (e), for “FSA”, in each place it appears, substitute “FCA”;
      - (bb) after sub-paragraph (e), insert—
        - “(ea) on the application of the PRA, treat the application as an administration application by the PRA under Schedule B1 in accordance with section 359(1A) of FSMA;”;
    - (ii) in paragraph (2)(a), for “or the FSA” substitute “, the FCA or PRA”;
  - (f) in regulation 8 (notice to FSA of preliminary steps to other insolvency proceedings)—
    - (i) for “FSA” in each place it appears (including the heading), substitute “appropriate regulator”;
    - (ii) in paragraph (8), before the definition of “investment bank” insert—
      - ““appropriate regulator” means—
        - (a) in relation to an investment bank which is a PRA-authorised person, the FCA and the PRA (and any references in this regulation to the “appropriate regulator” are to be read as references to each of the FCA and PRA);
        - (b) in any other case, the FCA;”;
  - (g) in regulation 11(8) (objective 1 – distribution of client assets), for “section 139(a) of FSMA (clients’ money)” substitute “section 137B of FSMA (FCA general rules: clients’ money, right to rescind etc.)”;

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(a) Section 139 is repealed, and section 137B is inserted, by the 2012 Act, section 24.

- (h) in regulation 12(1)(c) (objective 1 – shortfall in client assets held in omnibus account) for “section 139 of FSMA (clients’ money)” substitute “section 137B of FSMA (FCA general rules: clients’ money, right to rescind etc.)”;
- (i) in regulation 15 (general powers, duties and effect), in Table 1—
  - (i) in the modification relating to paragraph 46—
    - (aa) in paragraph (c), for “FSA” in each place it appears, substitute “FCA”;
    - (bb) after paragraph (c) insert—
      - “(ca) Where the special administration application relates to a PRA-authorized person and has not been made by the PRA, notice of the administrator’s appointment shall also be sent under sub-paragraph (5) to the PRA.”;
  - (ii) in the comment relating to the first entry for paragraph 49, for “FSA” substitute “FCA or, where relevant, the PRA”;
  - (iii) in the modifications or comments relating to paragraphs 49 (second entry), 50, 51, 54, 56, 57, 74 (but not the modifications in paragraphs (c) and (d)), 75, 84 and 91, for “FSA” substitute “FCA and, where the investment bank concerned is a PRA-authorized person, the PRA”;
  - (iv) in the modification relating to paragraph 53—
    - (aa) in paragraph (b), for “FSA” in each place it appears substitute “FCA”;
    - (bb) after paragraph (b) insert—
      - “(c) If the investment bank concerned is a PRA-authorized person, and if the PRA has not appointed a person to attend the meeting under sub-paragraph (2), the administrator must also report any decision taken to the PRA.”;
  - (v) in the modification relating to paragraph 68, for “FSA” substitute “FCA or, where relevant, the PRA”;
  - (vi) in the modifications or comments relating to paragraphs 74 (but not the modifications in paragraph (a)), 81, 87 and 89, for “FSA” substitute “FCA or the PRA”;
- (j) in regulation 16 (FSA direction)—
  - (i) in the heading, for “FSA” substitute “Appropriate regulator”;
  - (ii) in paragraphs (1), (4), (5) and (5), for “FSA” substitute “appropriate regulator”;
  - (iii) in paragraph (2), for “the FSA”, substitute “that regulator”;
  - (iv) after paragraph (4) insert—
    - “(4A) Where the investment bank concerned is a PRA-authorized person, the appropriate regulator must also consult the other regulator before giving such a direction.”;
  - (v) after paragraph (6) insert—
    - “(7) In this regulation, “appropriate regulator” means—
      - (a) in relation to an investment bank which is a PRA-authorized person, the FCA or the PRA;
      - (b) in any other case, the FCA.”;
- (k) in regulation 17 (administrator’s proposals in the event of FSA direction)—
  - (i) in the heading, for “FSA” substitute “Appropriate regulator”;
  - (ii) in paragraph (1)—
    - (aa) for “FSA” in the first place it appears, substitute “FCA or the PRA”;
    - (bb) omit “FSA’s”;
  - (iii) in paragraphs (3), (4) and (8) for “FSA” in each place it appears substitute “the regulator which has given the direction”;
  - (iv) in paragraph (6), omit “FSA’s”;

- (v) in paragraph (9), for “FSA” substitute “FCA or the PRA”;
- (l) in regulation 18 (revision of proposals in the event of FSA direction)—
  - (i) in the heading, for “FSA” substitute “Appropriate regulator”;
  - (ii) for “the FSA”, in the first place it appears, substitute “the regulator which gave the direction under regulation 16”;
  - (iii) for “the FSA”, in each other place it appears, substitute “that regulator”;
- (m) in regulation 19 (FSA direction withdrawn)—
  - (i) in the heading, for “FSA” substitute “Appropriate regulator”;
  - (ii) in paragraph (1)—
    - (aa) for “FSA” substitute “regulator which gave the direction under regulation 16”;
    - (bb) omit “FSA’s”;
- (n) in regulation 20(3) (successful rescue), for “FSA” substitute “FCA and, where the investment bank concerned is a PRA-authorized person, the PRA”;
- (o) in regulation 22(3) (special administration order as an alternative order), for “FSA” substitute “FCA or, where the investment bank concerned is a PRA-authorized person, the PRA”;
- (p) in paragraphs 3(b) and 4(3) of Schedule 1, for “FSA” substitute “FCA or the PRA”;
- (q) in Schedule 2 (special administration (bank administration))—
  - (i) in paragraph 3(4) for “FSA” substitute “FCA or the PRA”;
  - (ii) in paragraph 6, in the Table, in the modifications relating to section 145—
    - (aa) for “FSA”, in each place it appears, except in paragraph (l)(iii) (the modification relating to paragraph 74), substitute “FCA and, where the investment bank concerned is a PRA-authorized person, the PRA”;
    - (bb) in the modification in paragraph (l)(iii), for “FSA” in each place it appears substitute “FCA or the PRA”;
  - (iii) in paragraph 8—
    - (aa) in sub-paragraph (1), for “the FSA”—
    - (bb) in the first place it appears, substitute “a regulator”;
    - (cc) in the second place it appears, substitute “that regulator”;
    - (dd) in sub-paragraph (2), for “the FSA have not” substitute “neither regulator has”;
    - (ee) in sub-paragraph (3)—
    - (ff) for “the FSA have” substitute “a regulator has”;
    - (gg) for “or the FSA” substitute “or that regulator”;
    - (hh) in sub-paragraph (5), omit “FSA’s” and “FSA”;
  - (iv) in paragraph 9—
    - (aa) in sub-paragraph (1)(a), for “FSA” substitute “FCA and, where the investment bank concerned is a PRA-authorized person, the PRA”;
    - (bb) in sub-paragraph (2)(a), for “the FSA”—
    - (cc) in the first place it appears, substitute “a regulator”;
    - (dd) in the second place it appears, substitute “that regulator”;
  - (v) in paragraph 10—
    - (aa) in sub-paragraph (1), for “the FSA” substitute “a regulator”;
    - (bb) in sub-paragraph (2)(b), for “FSA” substitute “FCA and, where the investment bank concerned is a PRA-authorized person, the PRA”;
    - (cc) in sub-paragraph (3)(b), for “the FSA” substitute “a regulator”;

- (dd) in sub-paragraph (4), for “the FSA”—
- (ee) in the first place it appears, substitute “FCA or, where the investment bank concerned is a PRA-authorised person, the PRA”;
- (ff) in the second place it appears, substitute “that regulator”;
- (gg) in sub-paragraph (4), for “the FSA”—
- (hh) in the first place it appears, substitute “a regulator”;
- (ii) in the second place it appears, substitute “that regulator”;
- (vi) in paragraph 11—
  - (aa) in sub-paragraph (2), for “the FSA”—
  - (bb) in the first place it appears, substitute “a regulator”;
  - (cc) in the second place it appears, substitute “that regulator”;
  - (dd) in sub-paragraphs (3) and (4), for “the FSA” substitute “FCA or, where relevant, the PRA”;
  - (ee) in sub-paragraph (5), for “the FSA”—
  - (ff) for “the FSA have not” substitute “neither regulator has”;
  - (gg) for “FSA shall” substitute “FCA and, where the investment bank concerned is a PRA-authorised person, the PRA shall”;
- (vii) in the heading before paragraph 12, for “FSA” substitute “regulation 16”;
- (viii) in paragraph 12—
  - (aa) in sub-paragraph (1)(c), for “the FSA has not given a direction” substitute “no direction has been given”;
  - (bb) in sub-paragraph (3), for “FSA” substitute “FCA and, where the investment bank concerned is a PRA-authorised person, the PRA”;
- (ix) in the heading before paragraph 13, for “FSA” substitute “regulation 16”;
- (x) in paragraph 13—
  - (aa) in sub-paragraph (1)(c), for “the FSA” substitute “a regulator”;
  - (bb) in sub-paragraphs (2), (3) and (4) for “the FSA” substitute “that regulator”;
- (xi) in paragraph 15(3), for “FSA” substitute “FCA and, where the investment bank concerned is a PRA-authorised person, the PRA”;
- (r) in Schedule 4 (application of these regulations to partnerships), in paragraph 4, in Table 1, for “FSA”, in each place where it appears, substitute “FCA and, where the investment bank concerned is a PRA-authorised person, the PRA” except as provided in the following—
  - (i) in the modifications relating to paragraph 26 of Schedule 2 to the 1994 Order (paragraph 74 of Schedule B1), in paragraphs (c) and (d)(iii), for “FSA” substitute “FCA or the PRA”;
  - (ii) in the modifications relating to paragraph 29 of Schedule 2 to the 1994 Order (paragraph 87 of Schedule B1) and paragraph 30 of Schedule 2 (paragraph 89 of Schedule B1), for “or the FSA” substitute “, the FCA or the PRA”;
- (s) in Schedule 6 (modifications and consequential amendments), in paragraph 3—
  - (i) in sub-paragraph (2)(b), in the modified section 215(4), for “Authority” substitute “regulators”;
  - (ii) in sub-paragraph (5), in the heading for section 375, for “Authority’s right” substitute “right of FCA and PRA”.

## **Transitional provision in relation to the Investment Bank Special Administration Regulations 2011**

**199.** For the purposes of the Investment Bank Special Administration Regulations 2011 anything done by or in relation to the Financial Services Authority under those Regulations (including, in particular, the giving of directions under regulation 16) in relation to an investment bank which is, on 1st April 2013, a PRA-authorized person within the meaning of those Regulations is to be treated as having also been done, unless the context otherwise requires, by or in relation to the Prudential Regulation Authority.

## **The Libya (Financial Sanctions) Order 2011**

**200.** In paragraph 5(1)(e) of the Schedule to the Libya (Financial Sanctions) Order 2011(a) (general power to disclose information), for “Financial Services Authority” substitute “Financial Conduct Authority, the Prudential Regulation Authority”.

## **The Libya (Asset-Freezing) Regulations 2011**

**201.** In paragraph 5(1)(e) of the Schedule to the Libya (Asset-Freezing) Regulations 2011(b) (general power to disclose information), for “Financial Services Authority” substitute “Financial Conduct Authority, the Prudential Regulation Authority”.

## **The Independent Health Care (Wales) Regulations 2011**

**202.** In regulation 2(1) (interpretation)(dehongli) of the Independent Health Care (Wales) Regulations 2011(c)—

(a) in the English text—

(i) for the definition of “Financial Services Authority” substitute—

““Financial Conduct Authority” (“Awdurdod Ymddygiad Ariannol”) means the body renamed the Financial Conduct Authority by section 1A(1) of the Financial Services and Markets Act 2000(d);”;

(ii) at the appropriate place insert—

““Prudential Regulation Authority” (“Awdurdod Rheoleiddio Darbodus”) means the body corporate originally incorporated as the Prudential Regulation Authority Limited and renamed the Prudential Regulation Authority by section 2A(1) of the Financial Services and Markets Act 2000(e);”;

(iii) in the definition of “insurance provider”, for “the Financial Services Authority” substitute “the Financial Conduct Authority or the Prudential Regulation Authority”;

(b) in the Welsh text—

(i) for the definition of “Awdurdod Gwasanaethau Ariannol” substitute—

““ystyr “Awdurdod Ymddygiad Ariannol” (“Financial Conduct Authority”) yw’r corff a ailenyd yn Awdurdod Ymddygiad Ariannol gan adran 1A(1) o Ddeddf Gwasanaethau a Marchnadoedd Ariannol 2000(f);”;

(ii) at the appropriate place insert—

““ystyr “Awdurdod Rheoleiddio Darbodus” (“Prudential Regulation Authority”) yw’r corff corfforaethol a ymgorfforwyd yn wreiddiol fel y Prudential Regulation Authority

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(a) S.I. 2011/548.

(b) S.I. 2011/605.

(c) S.I. 2011/734 (W.112).

(d) Section 1A of the Financial Services and Markets Act 2000 was inserted by section 6 of the Financial Services Act 2012.

(e) Section 2A of the Financial Services and Markets Act 2000 was inserted by section 6 of the Financial Services Act 2012.

(f) Mewnosodwyd adran 1A o Ddeddf Gwasanaethau a Marchnadoedd Ariannol 2000 gan adran 6 o Ddeddf Gwasanaethau Ariannol 2012.

Limited ac a ailenwyd yn Awdurdod Rheoleiddio Darbodus gan adran 2A(1) o Ddeddf Gwasanaethau a Marchnadoedd Ariannol 2000(a);”;

- (iii) in the definition of “darparwr yswiriant”, for “yr Awdurdod Gwasanaethau Ariannol” substitute “yr Awdurdod Ymddygiad Ariannol neu’r Awdurdod Rheoleiddio Darbodus”.

#### **The Tunisia (Restrictive Measures) (Overseas Territories) Order 2011**

**203.** For article 12(2)(d) of the Tunisia (Restrictive Measures) (Overseas Territories) Order 2011(b) (obtaining of evidence and information) substitute—

“(d) to the Financial Conduct Authority, the Prudential Regulation Authority or to the monetary authority of any other country or territory.”.

#### **The Egypt (Asset-Freezing) Regulations 2011**

**204.** In paragraph 5(1)(e) of the Schedule to the Egypt (Asset-Freezing) Regulations 2011(c) (general power to disclose information), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

#### **The Tunisia (Asset-Freezing) Regulations 2011**

**205.** In paragraph 5(1)(e) of the Schedule to the Tunisia (Asset-Freezing) Regulations 2011(d) (general power to disclose information), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

#### **The Ivory Coast (Asset-Freezing) Regulations 2011**

**206.** In paragraph 5(1)(e) of the Schedule to the Ivory Coast (Asset-Freezing) Regulations 2011(e) (general power to disclose information), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

#### **The Democratic People’s Republic of Korea (Asset-Freezing) Regulations 2011**

**207.** In paragraph 5(1)(e) of the Schedule to the Democratic People’s Republic of Korea (Asset-Freezing) Regulations 2011(f) (general power to disclose information), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

#### **The Iran (Asset-Freezing) Regulations 2011**

**208.** In paragraph 5(1)(e) of the Schedule to the Iran (Asset-Freezing) Regulations 2011(g) (general power to disclose information), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

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(a) Mewnosodwyd adran 2A o Ddeddf Gwasanaethau a Marchnadoedd Ariannol 2000 gan adran 6 o Ddeddf Gwasanaethau Ariannol 2012.  
(b) S.I. 2011/748.  
(c) S.I. 2011/887.  
(d) S.I. 2011/888.  
(e) S.I. 2011/1086.  
(f) S.I. 2011/1094.  
(g) S.I. 2011/1129.



## **The Companies Act 2006 (Consequential Amendments and Transitional Provisions) Order 2011**

**209.** In paragraph 2 of Schedule 3 to the Companies Act 2006 (Consequential Amendments and Transitional Provisions) Order 2011(a) (applications for authorisation in respect of Northern Ireland Open-Ended Investment Company)—

- (a) in sub-paragraph (2), after “the Financial Services Authority” insert “or the Financial Conduct Authority”;
- (b) in sub-paragraph (3) for “Authority” substitute “Financial Services Authority”.

## **The Investment Bank Special Administration (England and Wales) Rules 2011**

**210.** In the Investment Bank Special Administration (England and Wales) Rules 2011(b)—

- (a) in the provisions listed in paragraph (b), for “FSA”, in each place it appears, substitute “FCA or, where relevant, the PRA”;
- (b) the provisions are—
  - (i) rule 8(2)(c) (witness statement in support of application);
  - (ii) rule 10(1)(c) (service of application);
  - (iii) rule 13(f) (the hearing);
  - (iv) rule 20(1)(e) (other persons to receive copy of application);
  - (v) rule 39(1)(e) (Bank of England witness statement);
  - (vi) rule 41(1)(c) (service);
  - (vii) rule 44(f) (hearing);
  - (viii) rule 59(2)(q) (administrator’s proposals);
  - (ix) rule 61(5) (initial meeting);
  - (x) rule 63(8) (business of the initial meeting);
  - (xi) rule 65(9) (revision of the statement of proposals);
  - (xii) rule 66(4) and (5) (meeting to approve the revised statement of proposals);
  - (xiii) rule 122(1)(h) (content of progress report);
  - (xiv) rule 220(2)(a) (final progress report);
- (c) in the provisions listed in paragraph (d), for “FSA”, in each place it appears, substitute “FCA and, where the investment bank concerned is a PRA-authorised person, the PRA”;
- (d) the provisions are—
  - (i) rule 26(5)(a) (making, transmission and advertisement of order);
  - (ii) rule 32(5)(a) (order of appointment);
  - (iii) rule 55(6) (limited disclosure);
  - (iv) rule 56(4) and (5) (release from duty to submit statement of affairs);
  - (v) rule 60(6) (limited disclosure of the statement of proposals);
  - (vi) rule 65(3) (revision of the statement of proposals);
  - (vii) rule 70(4) (notice of meeting by individual notice: when and where sent);
  - (viii) rule 76(6)(a) (requisition of meetings);
  - (ix) rule 106(6) (functions and meetings of the committee);
  - (x) rule 117(3) (resolution of creditors’ committees by post);
  - (xi) rule 118(4) (information from administrator);

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(a) S.I. 2011/1265.

(b) S.I. 2011/1301.

- (xii) rule 138(3)(a) (notice of the bar date);
- (xiii) rule 146(3)(d) (approval by the court);
- (xiv) rule 157(3)(a) and (4)(c) (appeal against decision on proof);
- (xv) rule 175(3)(b) (notice of proposed distribution);
- (xvi) rule 179(1)(b) (notice of declaration of a dividend);
- (xvii) rule 181(2)(a) (notice of no dividend or no further dividend);
- (xviii) rule 209(3)(f) (application to court to remove administrator from office);
- (xix) rule 221(2)(a)(iii) and (4)(a) (application to court by administrator);
- (xx) rule 222(1)(c) (application to court by creditor);
- (xxi) rule 227(3)(c) and (8)(b) (court file);
- (e) in rule 12 (further notification)—
  - (i) at the end of paragraph (b) omit “and”;
  - (ii) for paragraph (c) substitute—
    - “(c) the FCA (if not the applicant); and
    - (d) if the application relates to a PRA-authorized person, the PRA (if not the applicant).”;
- (f) in rule 13, for paragraph (g) substitute—
  - “(g) the FCA;
  - (ga) if the investment bank concerned is a PRA-authorized person, the PRA; and”;
- (g) in rule 16(2) (notice of special administration order)—
  - (i) at the end of sub-paragraph (a) omit “and”;
  - (ii) for sub-paragraph (b) substitute—
    - “(b) the FCA (if not the applicant); and
    - (c) if the application relates to a PRA-authorized person, the PRA (if not the applicant).”;
- (h) in rule 19(2)(c) (proof of service), for “or the FSA” substitute “, the FCA or the PRA”;
- (i) in rule 20(1), for sub-paragraph (c) substitute—
  - “(c) the FCA (if not the applicant);
  - (ca) if the application relates to a PRA-authorized person, the PRA (if not the applicant).”;
- (j) in rule 30(1) (appointment of person under section 135)—
  - (i) at the end of sub-paragraph (a) omit “or”;
  - (ii) for sub-paragraph (b) substitute—
    - “(b) by the FCA, with the consent of the Bank of England; or
    - (c) if the application relates to a PRA-authorized person, by the PRA, with the consent of the Bank of England.”;
- (k) in rule 42 (other notification)—
  - (i) at the end of paragraph (b) omit “and”;
  - (ii) for paragraph (c) substitute—
    - “(c) the FCA; and
    - (d) if the application relates to a PRA-authorized person, the PRA.”;
- (l) in rule 44 (hearing), for paragraph (b) substitute—
  - “(b) the FCA;
  - (ba) if the application relates to a PRA-authorized person, the PRA.”;

- (m) in rule 47(2) (notice of order), for paragraph (b) substitute—
  - “(b) a sealed copy to the FCA;
  - (ba) if the investment bank concerned is a PRA-authorized person, a sealed copy to the PRA.”;
- (n) in rule 50(3) (order of appointment), for sub-paragraph (b) substitute—
  - “(b) the FCA;
  - (ba) if the application relates to a PRA-authorized person, the PRA.”;
- (o) in rule 59(7) (administrator’s proposals)—
  - (i) at the end of sub-paragraph (b) omit “and”;
  - (ii) for sub-paragraph (c) substitute—
    - “(c) the FCA; and
    - (d) if the application relates to a PRA-authorized person, the PRA.”;
- (p) in rule 138 (notice of the bar date)—
  - (i) in paragraph (7), for “FSA” in each place it appears substitute “FCA”;
  - (ii) after paragraph (7) insert—
 

“(8) If the investment bank concerned is a PRA-authorized person, the PRA may also submit a request to the administrator under paragraph (6) if the PRA considers that there are particular circumstances in respect of a claimant, or a class of claimants, that mean that those persons will have difficulty submitting their claim before the bar date.”;
- (q) in rule 165(6) (application of rule 164 in a special administration (bank administration) and special administration (bank insolvency))—
  - (i) for the definition of “FSA Rules” substitute—
 

““the appropriate regulator rules” means the rules, as amended from time to time, made under section 213 of the Financial Services and Markets Act 2000 by the FSA or the PRA”;
  - (ii) in the definition of “protected deposit” for “FSA Rules” substitute “the appropriate regulator rules”;
- (r) in rule 184 (disqualification from dividend)—
  - (i) in paragraph (2), for “FSA” in each place it appears substitute “FCA”;
  - (ii) after paragraph (2) insert—
 

“(3) If the investment bank concerned is a PRA-authorized person, notice of an application under paragraph (1) shall also be given by the administrator to the PRA and the PRA shall have the right to appear and be heard at the hearing of the application.”;
- (s) in rule 200 (recourse to the court)—
  - (i) in paragraph (6), for “FSA” in each place it appears substitute “FCA”;
  - (ii) after paragraph (6) insert—
 

“(6A) If the investment bank concerned is a PRA-authorized person, notice of the application shall also be given to the PRA and the PRA may nominate a person to appear and be heard on the application.”;
- (t) in rule 202(1) (claim that remuneration is excessive)—
  - (i) at the end of sub-paragraph (c) omit “or”;
  - (ii) for sub-paragraph (d), substitute—
    - “(d) the FCA; or
    - (e) if the investment bank concerned is a PRA-authorized person, the PRA.”;
- (u) in rule 207 (notice of intention to resign)—
  - (i) in paragraph (2), for “FSA” substitute “FCA, the PRA”;

- (ii) in paragraph (4), for “FSA” substitute “FCA and, where the investment bank concerned is a PRA-authorised person, the PRA”;
- (v) in rule 210(b) (notice of vacation of office when administrator ceases to be qualified), for “FSA” substitute “FCA, the PRA”;
- (w) in rule 212(3) (application to replace (special administration))—
  - (i) at the end of sub-paragraph (c) omit “and”;
  - (ii) for sub-paragraph (d) substitute—
    - “(d) the FCA (if not the applicant); and
    - (e) if the application relates to a PRA-authorised person, the PRA (if not the applicant).”;
- (x) in rule 327(5) (proceedings other than special administration commenced), for the definition of “the Authority” substitute—
  - ““the Authority” means—
    - (a) where the investment bank is a deposit-taker and the application under paragraph (1) is for an order to convert the proceedings to—
      - (i) a special administration (bank administration), the Bank of England;
      - (ii) a special administration (bank insolvency)—
        - (aa) if the investment bank is a PRA-authorised person, the Bank of England or the PRA (with the consent of the Bank of England);
        - (bb) in any other case, the Bank of England or the FCA (with the consent of the Bank of England);
    - (b) otherwise, the FCA or the PRA;”.

**Transitional provision in relation to the Bank Special Administration (England and Wales) Rules 2011**

**211.** For the purposes of the Investment Bank Special Administration (England and Wales) Rules 2011, anything done by or in relation to the Financial Services Authority under those Rules in relation to, or in connection with an investment bank which is, on 1st April 2013, a PRA-authorised person (within the meaning of those Rules) is to be treated, unless the context otherwise requires, as having also been done by or in relation to the Prudential Regulation Authority.

**The Undertakings for Collective Investment in Transferable Securities Regulations 2011**

**212.** In the Undertakings for Collective Investment in Transferable Securities Regulations 2011(a)—

- (a) in regulation 7 (interpretation of Part 4), in the definition of “the Authority” for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (b) in regulation 15(5) (division of a master UCITS), for “Authority” substitute “Financial Conduct Authority”.

**The Egypt (Restrictive Measures) (Overseas Territories) Order 2011**

**213.** For article 12(2)(d) (obtaining of evidence and information) of the Egypt (Restrictive Measures) (Overseas Territories) Order 2011(b) substitute—

“(d) to the Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom or to the relevant authority with

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(a) S.I. 2011/1613.  
 (b) S.I. 2011/1679.

responsibility in any other country or territory for the regulation and supervision of financial services business.”.

### **The Afghanistan (Asset-Freezing) Regulations 2011**

**214.** In paragraph 5(1)(e) (general power to disclose information) of the Schedule to the Afghanistan (Asset-Freezing) Regulations 2011(a), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

### **The Equality Act 2010 (Specific Duties) Regulations 2011**

**215.** In Schedule 1 (public authorities required to publish information) to the Equality Act 2010 (Specific Duties) Regulations 2011(b), under the heading “Industry, business, finance (etc)”—

- (a) for “The Financial Services Authority.” substitute “The Financial Conduct Authority.”;
- (b) at the appropriate place insert “The Prudential Regulation Authority.”.

### **The Investment Bank Special Administration (Scotland) Rules 2011**

**216.** In the Investment Bank Special Administration (Scotland) Rules 2011(c)—

- (a) in the provisions listed in paragraph (b), for “FSA”, in each place it appears, substitute “FCA or, where relevant, the PRA”;
- (b) the provisions are—
  - (i) rule 9(1)(d) (service of application);
  - (ii) rule 26(1)(d) (service);
  - (iii) rule 39(2)(q) (statement of proposals);
  - (iv) rule 40(4) (initial meeting);
  - (v) rule 42(8) (business of the initial meeting);
  - (vi) rule 44(9) (revision of the statement of proposals);
  - (vii) rule 45(4) and (5) (meeting to approve the revised statement of proposals);
  - (viii) rule 99(1)(i) (content of progress report);
  - (ix) rule 149(a) (final progress report);
- (c) in the provisions listed in paragraph (d), for “FSA”, in each place it appears, substitute “FCA and, where the investment bank concerned is a PRA-authorized person, the PRA”;
- (d) the provisions are—
  - (i) rule 36(5) (limited disclosure);
  - (ii) rule 37(4) (release from duty to submit statement of affairs);
  - (iii) rule 44(3) (revision of the statement of proposals);
  - (iv) rule 49(4) (notice of meeting by individual notice: when and where sent);
  - (v) rule 55(6) (requisition of meetings);
  - (vi) rule 83(6) (functions and meetings of the committee);
  - (vii) rule 94(3) (resolutions otherwise than at a meeting);
  - (viii) rule 95(4) (information from administrator);
  - (ix) rule 114(3)(a) (notice of the bar date);
  - (x) rule 122(3) (approval by the court);

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(a) S.I. 2011/1893.

(b) S.I. 2011/2260, amended by S.I. 2012/6241.

(c) S.I. 2011/2262 (S.3).

- (xi) rule 127(3) (application of the 1985 Act in relation to creditor’s claims);
  - (xii) rule 132(5) and (6) (application of 1985 Act in relation to distribution of assets);
  - (xiii) rule 138(4) (notice of intention to resign);
  - (xiv) rule 140(1)(f) (application to court to remove administrator from office);
  - (xv) rule 150(2)(c) (application to court by administrator);
  - (xvi) rule 151(1)(c) (application to court by creditor);
  - (xvii) rule 187(1)(i) (right to inspect documents, to have list of creditors and to copy documents);
- (e) in rule 9(1) (service of application), for paragraph (a) substitute—
    - “(a) the FCA (if not the applicant);
    - (ab) if the application relates to a PRA-authorized person, the PRA (if not the applicant);”;
  - (f) in rule 11(1) (notice of special administration order)—
    - (i) at the end of sub-paragraph (a) omit “and”;
    - (ii) for sub-paragraph (b) substitute—
      - “(b) the FCA (if not the applicant); and
      - (c) if the application relates to a PRA-authorized person, the PRA (if not the applicant).”;
  - (g) in rule 14(4)(b) (appointment of administrator by the court), for paragraph (i) substitute—
    - “(i) the FCA (if not the applicant);
    - (ia) if the application relates to a PRA-authorized person, the PRA (if not the applicant);”;
  - (h) in rule 17(1) (appointment of person under section 135 of the 1986 Act)—
    - (i) at the end of sub-paragraph (a), omit “or”;
    - (ii) for sub-paragraph (b) substitute—
      - “(b) the FCA, with the consent of the Bank of England; or
      - (c) if the application relates to a PRA-authorized person, the PRA, with the consent of the Bank of England;”;
  - (i) in rule 18(2) (order of appointment), for paragraph (c) substitute—
    - “(c) the FCA (if not the applicant);
    - (ca) if the application relates to a PRA-authorized person, the PRA (if not the applicant); and”;
  - (j) in rule 22(1) (termination of appointment)—
    - (i) at the end of sub-paragraph (a), omit “or”;
    - (ii) for sub-paragraph (b) substitute—
      - “(b) the FCA, with the consent of the Bank of England; or
      - (c) if the investment bank concerned is a PRA-authorized person, the PRA, with the consent of the Bank of England.”;
  - (k) in rule 26(1) (service)—
    - (i) for sub-paragraph (a) substitute—
      - “(a) on the FCA;
      - (aa) if the application relates to a PRA-authorized person, on the PRA;”;
  - (l) in rule 28 (notice of order), for paragraph (b) substitute—
    - “(b) the FCA;
    - (ba) if the application relates to a PRA-authorized person, the PRA; and”;

- (m) in rule 31(2) (order of appointment), for sub-paragraph (b) substitute—
  - “(b) the FCA;
  - (ba) if the application relates to a PRA-authorized person, the PRA; and”;
- (n) in rule 39(7) (statement of proposals)—
  - (i) at the end of sub-paragraph (b) omit “and”;
  - (ii) for sub-paragraph (c) substitute—
    - “(c) the FCA; and
    - (d) if the application relates to a PRA-authorized person, the PRA,”;
- (o) in rule 114(7), for “the FSA”—
  - (i) in the first place it appears substitute “the FCA or, where the investment bank concerned is a PRA-authorized person, the PRA”;
  - (ii) in the second place it appears, substitute “that regulator”;
- (p) in rule 134(6) (rights of eligible depositors and set-off)—
  - (i) after the definition of “the 2000 Act” insert—
    - “”the appropriate regulator’s rules” means the rules, as amended from time to time, made under section 213 of the 2000 Act by—
    - (a) if the investment bank is a PRA-authorized person, the PRA or the FCA;
    - (b) in any other case, the FCA;”;
  - (ii) in the definition of “protected deposit”, for “the General Provisions and Glossary Instrument 2001 (2001/7) made by the Financial Services Authority under the 2000 Act” substitute “the appropriate regulator’s rules”;
- (q) in rule 136 (administrator’s application to increase remuneration), for paragraph (6) substitute—
  - “(6) Notice of the application shall also be given to the FCA and, where the investment bank concerned is a PRA-authorized person, the PRA; and a regulator to which notice is given may nominate a person to appear or be represented on the application.”;
- (r) in rule 138(2) (notice of intention to resign), for “FSA” substitute “FCA, the PRA”;
- (s) in rule 141(4)(b) (incapacity of administrator to act through death or otherwise), for “FSA” substitute “FCA, the PRA”;
- (t) in rule 142(2) (application to replace (special administration)), for sub-paragraph (c) substitute—
  - “(c) the FCA (if not the applicant);
  - (ca) if the application relates to a PRA-authorized person, the PRA (if not the applicant); and”;
- (u) in rule 194(5) (proceedings other than special administration commenced), for the definition of “the Authority” substitute—
  - ““the Authority” means—
  - (a) where the investment bank is a deposit-taker and the application under paragraph (1) is for an order to convert the proceedings to—
    - (i) a special administration (bank administration), the Bank of England;
    - (ii) a special administration (bank insolvency)—
      - (aa) if the investment bank is a PRA-authorized person, the Bank of England or the PRA (with the consent of the Bank of England);
      - (bb) in any other case, the Bank of England or the FCA (with the consent of the Bank of England);
  - (b) otherwise, the FCA or the PRA;”.

### **Transitional provision in relation to the Investment Bank Special Administration (Scotland) Rules 2011**

**217.** For the purposes of the Investment Bank Special Administration (Scotland) Rules 2011 anything done by or in relation to the Financial Services Authority under those Rules in relation to an investment bank which is a PRA-authorized person (within the meaning of those Rules) is to be treated, unless the context otherwise requires, as having been done by or in relation to the Prudential Regulation Authority.

### **The Belarus (Restrictive Measures) (Overseas Territories) Order 2011**

**218.** In the Belarus (Restrictive Measures) (Overseas Territories) Order 2011(a)—

(a) for article 14(1)(e) (provisions supplementary to articles 11 to 13) substitute—

“(e) to the Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom or to the relevant authority with responsibility in any other country or territory for the regulation and supervision of financial services business.”;

(b) for article 23(2)(d) (obtaining of evidence and information) substitute—

“(d) to the Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom or to the relevant authority with responsibility in any other country or territory for the regulation and supervision of financial services business.”.

### **The Al-Qaida (Asset-Freezing) Regulations 2011**

**219.** In paragraph 5(1)(e) (general power to disclose information) of Schedule 1 to the Al-Qaida (Asset-Freezing) Regulations 2011(b), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

### **The Financial Services and Markets Act 2000 (Permissions, Transitional Provisions and Consequential Amendments) (Northern Ireland Credit Unions) Order 2011**

**220.** In the Financial Services and Markets Act 2000 (Permissions, Transitional Provisions and Consequential Amendments) (Northern Ireland Credit Unions) Order 2011(c)—

(a) in article 5 (requirement to reapply for Part 4 permission)—

(i) in paragraph (1), for “Authority” substitute “FCA or the PRA”;

(ii) in paragraph (2), for the words “apply to the Authority under section 40” substitute “apply to the regulator which gave the direction under section 55A”;

(iii) in paragraph (3), for “Section 40(2)” substitute “Section 55A(3)”;

(iv) in paragraph (4)—

(aa) for the words from “Authority must” to “section 45(1)” substitute “regulator which gave the direction must consider whether to exercise the power in section 55J (variation or cancellation on initiative of regulator) and, for this purpose, section 55J(1)”;

(bb) in the sub-paragraph added by that paragraph for “Authority” substitute “regulator”;

(v) in paragraph (5), for “Authority” substitute “regulator which gave the direction”;

(vi) in paragraph (6)—

(aa) for “Authority” substitute “PRA”;

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(a) S.I. 2011/2440.

(b) S.I. 2011/2742.

(c) S.I. 2011/2832.



- (bb) for “Authority’s” substitute “PRA’s”;
- (b) in article 6 (requirement to reapply for approved person status)—
  - (i) in paragraph (1), for “Authority” substitute “FCA or the PRA”;
  - (ii) in paragraph (4), omit “by the Authority”;
  - (iii) for “Authority” in every other place it appears substitute “regulator which gave the direction”;
  - (iv) in paragraph (5), for “the Authority’s” substitute “that regulator’s”;
- (c) in article 7 (requirements to reapply: procedure), for “Authority” in each place substitute “FCA or the PRA”.

**The Iran (Restrictive Measures) (Overseas Territories) Order 2011**

**221.** For article 12(2)(d) (obtaining of evidence and information) of the Iran (Restrictive Measures) (Overseas Territories) Order 2011(**a**) substitute—

“(d) to the Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom or to the relevant authority with responsibility in any other country or territory for the regulation and supervision of financial services business.”.

**The Syria (European Union Financial Sanctions) Regulations 2012**

**222.** In paragraph 5(1)(e) (general power to disclose information) of the Schedule to the Syria (European Union Financial Sanctions) Regulations 2012(**b**), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

**The Iran (European Union Financial Sanctions) Regulations 2012**

**223.** In paragraph 5(1)(e) (general power to disclose information) of the Schedule to the Iran (European Union Financial Sanctions) Regulations 2012(**c**), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

**The Postal Services Act 2011 (Disclosure of Information) Order 2012**

**224.** In article 3 of the Postal Services Act 2011 (Disclosures of Information) Order 2012(**d**) (prescription of bodies and persons)—

- (a) for “the Financial Services Authority;” substitute “the Financial Conduct Authority;”;
- (b) at the appropriate places insert “the Bank of England;” and “the Prudential Regulation Authority;”.

**The Guinea-Bissau (Asset-Freezing) Regulations 2012**

**225.** In paragraph 5(1)(e) of the Schedule to the Guinea-Bissau (Asset Freezing) Regulations 2012(**e**) (general power to disclose information), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

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(a) S.I. 2011/2989.  
 (b) S.I. 2012/129.  
 (c) S.I. 2012/925.  
 (d) S.I. 2012/1128.  
 (e) S.I. 2012/1301.

### **The Supervision of Accounts and Reports (Prescribed Body) and Companies (Defective Accounts and Directors' Reports) (Authorised Person) Order 2012**

226. In article 2(2) of the Supervision of Accounts and Reports (Prescribed Body) and Companies (Defective Accounts and Directors' Reports) (Authorised Person) Order 2012(a) (appointment in relation to issuers), for sub-paragraph (b) substitute—

“(b) applicable rules in the Listing Rules, Prospectus Rules and Disclosure Rules and Transparency Rules Sourcebooks of the Financial Conduct Authority Handbook made under the Financial Services and Markets Act 2000.”.

### **The Iraq (Asset-Freezing) Regulations 2012**

227. In paragraph 5(1)(e) (general power to disclose information) of Schedule 1 to the Iraq (Asset-Freezing) Regulations 2012(b), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

### **The Sudan (Asset-Freezing) Regulations 2012**

228. In paragraph 5(1)(e) (general power to disclose information) of the Schedule to the Sudan (Asset-Freezing) Regulations 2012(c), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

### **The Republic of Guinea (Asset-Freezing) Regulations 2012**

229. In paragraph 5(1)(e) (general power to disclose information) of the Schedule to the Republic of Guinea (Asset-Freezing) Regulations 2012(d) for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

### **The Democratic Republic of the Congo (Asset-Freezing) Regulations 2012**

230. In paragraph 5(1)(e) (general power to disclose information) of the Schedule to the Democratic Republic of the Congo (Asset-Freezing) Regulations 2012(e), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

### **The Eritrea (Asset-Freezing) Regulations 2012**

231. In paragraph 5(1)(e) (general power to disclose information) of the Schedule to the Eritrea (Asset-Freezing) Regulations 2012(f), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

### **The Liberia (Asset-Freezing) Regulations 2012**

232. In paragraph 5(1)(e) (general power to disclose information) of the Schedule to the Liberia (Asset-Freezing) Regulations 2012(g), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

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(a) S.I. 2012/1439.  
(b) S.I. 2012/1489.  
(c) S.I. 2012/1507.  
(d) S.I. 2012/1508.  
(e) S.I. 2012/1511.  
(f) S.I. 2012/1515.  
(g) S.I. 2012/1516.

### **The Lebanon and Syria (Asset-Freezing) Regulations 2012**

233. In paragraph 5(1)(e) (general power to disclose information) of the Schedule to the Lebanon and Syria (Asset-Freezing) Regulations 2012(a), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

### **The Prospectus Regulations 2012**

234. In regulation 10(2) of the Prospectus Regulations 2012(b) (review), after “Financial Services Authority” insert “and the Financial Conduct Authority”.

### **The Syria (Restrictive Measures) (Overseas Territories) Order 2012**

235. In the Syria (Restrictive Measures) (Overseas Territories) Order 2012(c)—

- (a) in article 24(1)(c) (provisions supplementary to articles 21 to 23), for “Financial Services Authority of the United Kingdom” substitute “Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom”;
- (b) in paragraph 5(1)(e) of Schedule 5 (evidence and information), for “Financial Services Authority of the United Kingdom” substitute “Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom”.

### **The Iran (Restrictive Measures) (Overseas Territories) Order 2012**

236. In the Iran (Restrictive Measures) Overseas Territories) Order 2012(d)—

- (a) for article 26(1)(d) (supplementary provisions) substitute—

“(d) to the Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom or to the relevant authority with responsibility in any other country or territory for the regulation and supervision of financial services business.”;
- (b) for paragraph 6(d) of Schedule 5 (evidence and information) substitute—

“(d) to the Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom or to the relevant authority with responsibility in any other country or territory for regulating and supervising financial services business; or”.

### **The Al-Qaida (United Nations Measures) (Overseas Territories) Order 2012**

237. For article 23(2)(d) of the Al-Qaida (United Nations Measures) (Overseas Territories) Order 2012(e) (evidence and information) substitute—

“(d) to the Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom or to any equivalent authority of any other country or territory.”.

### **The Afghanistan (United Nations Measures) (Overseas Territories) Order 2012**

238. For article 23(2)(d) of the Afghanistan (United Nations Measures) (Overseas Territories) Order 2012(f) (evidence and information) substitute—

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- (a) S.I. 2012/1517.
  - (b) S.I. 2012/1538.
  - (c) S.I. 2012/1755; amended by S.I. 2012/3069.
  - (d) S.I. 2012/1756.
  - (e) S.I. 2012/1757.
  - (f) S.I. 2012/1758.

“(d) to the Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom or to any equivalent authority of any other country or territory.”.

#### **The Financial Services and Markets Act 2000 (Short Selling) Regulations 2012**

**239.** In the Financial Services and Markets Act 2000 (Short Selling) Regulations 2012(**a**)—

- (a) in regulation 1(2) (interpretation), in the definition of “Authority” for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (b) in regulation 5(5) (applications under the short selling regulation) for “(misleading the authority: residual cases)” substitute “(misleading FCA or PRA: residual cases)”.

#### **The Iraq (United Nations Sanctions) (Overseas Territories) (Amendment) Order 2012**

**240.** In paragraph 7(1)(e) of Schedule 5 to the Iraq (United Nations Sanctions) (Overseas Territories) (Amendment) Order 2012(**b**) (evidence and information), for “the Financial Services Authority of the United Kingdom” substitute “the Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom”.

#### **The Eritrea (Sanctions) (Overseas Territories) Order 2012**

**241.** In paragraph 5(1)(e) of Schedule 6 to the Eritrea (Sanctions) (Overseas Territories) Order 2012(**c**) (evidence and information), for “the Financial Services Authority of the United Kingdom” substitute “the Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom”.

#### **The Zimbabwe (Sanctions) (Overseas Territories) Order 2012**

**242.** In paragraph 5(1)(e) of Schedule 6 to the Zimbabwe (Sanctions) (Overseas Territories) Order 2012(**d**) (evidence and information), for “the Financial Services Authority of the United Kingdom” substitute “the Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom”.

#### **The Controlled Foreign Companies (Excluded Banking Business Profits) Regulations 2012**

**243.** In regulation 2 of the Controlled Foreign Companies (Excluded Banking Business Profits) Regulations 2012(**e**)(interpretation)—

- (a) in paragraph (1)—
  - (i) in the definition of “BIPRU 11” for “FSA Handbook;” substitute “PRA Handbook;”;
  - (ii) for the definition of “the FSA Handbook” substitute—

““the PRA Handbook” means the Handbook made by the Prudential Regulation Authority under the Financial Services and Markets 2000 Act (as that Handbook has effect from time to time);”;
  - (iii) in the definition of “GENPRU 2 Annex 2” for “FSA Handbook” substitute “PRA Handbook”;
- (b) in paragraph (2), for “FSA Handbook” substitute “PRA Handbook”.

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(a) S.I. 2012/2554.  
(b) S.I. 2012/2748.  
(c) S.I. 2012/2751.  
(d) S.I. 2012/2753.  
(e) S.I. 2012/3041.

### **The Somalia (Sanctions) (Overseas Territories) Order 2012**

244. In paragraph 5(1)(e) of Schedule 6 to the Somalia (Sanctions) (Overseas Territories) Order 2012(a) (evidence and information), for “the Financial Services Authority of the United Kingdom” substitute “the Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom”.

### **The Democratic People’s Republic of Korea (Sanctions) (Overseas Territories) Order 2012**

245. In paragraph 5(1)(e) of Schedule 6 to the Democratic People’s Republic of Korea (Sanctions) (Overseas Territories) Order 2012(b) (evidence and information), for “the Financial Services Authority of the United Kingdom” substitute “the Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom”.

### **The Côte d’Ivoire (Sanctions) (Overseas Territories) Order 2012**

246. In paragraph 5(1)(e) of Schedule 6 to the Côte d’Ivoire (Sanctions) (Overseas Territories) Order 2012(c) (evidence and information), for “the Financial Services Authority of the United Kingdom” substitute “the Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom”.

### **The Guinea-Bissau (Sanctions) (Overseas Territories) Order 2012**

247. In paragraph 5(1)(e) of Schedule 5 to the Guinea-Bissau (Sanctions) (Overseas Territories) Order 2012(d) (evidence and information), for “the Financial Services Authority of the United Kingdom” substitute “the Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom”.

### **The Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012**

248.—(1) The Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012(e) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “the Authority”, for “Financial Services Authority” substitute “Financial Conduct Authority”.

(3) In regulation 14 (costs of supervision)—

- (a) in paragraphs (1), (2)(a) and (2)(b) for “paragraph 17 of Part 3 of Schedule 1” substitute “paragraph 23 of Part 3 of Schedule 1ZA”(f);
- (b) in paragraph (2)(a), for “2(3) (the Authority’s general duties)” substitute “1B(5)(a) (regulatory principles to be applied by FCA)”;
- (c) in paragraph (2)(b), for “159(1)” substitute “140A(1)”;
- (d) in paragraph (2)(c), for “paragraph 17(2) and (3) of Part 3 of Schedule 1” substitute “paragraph 23(7) of Part 3 of Schedule 1ZA”.

(4) In regulation 16 (exemption from liability in damages), for “19” substitute “25” and for “Schedule 1” substitute “Schedule 1ZA”.

(5) In regulation 17 (exchange of information), after “Authority” in both places insert “and the Prudential Regulation Authority”.

(6) In the Schedule (application and modification of legislation)—

- (a) in paragraph 1(a)(iii), after “subsections” insert “(2A),”;

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(a) S.I. 2012/3065.

(b) S.I. 2012/3066.

(c) S.I. 2012/3067.

(d) S.I. 2012/3068.

(e) S.I. 2012/3122.

(f) Schedule 1 of FSMA 2000 was repealed and Schedule 1ZA was inserted by section 6 of the Financial Services Act 2012.

- (b) in paragraph 2(a), for “Authority’s” substitute “regulator’s”;
- (c) in paragraph 2(a)(iii), for “(b) and (c)” substitute “(b), (c) and (d)”;
- (d) in paragraph 2(b), for “Authority’s” substitute “PRA’s”;
- (e) for paragraph 2(c) substitute—
  - “(c) in sections 166 (reports by skilled persons) and 166A (appointment of skilled person to collect and update information)—
    - (i) for “an authorised person” in each place those words appear, substitute “a payment service provider (within the meaning given by regulation 2 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012)”;
    - (ii) omit subsections (10) and (11) of section 166;”;
- (f) in paragraph 2(e)(i)(bb), for ““191”” substitute ““191F””;
- (g) for paragraph 2(e)(iii) substitute—
  - “(iii) for subsection (6), substitute—
    - “(6) “Investigating authority” means the FCA.”;”;
- (h) for paragraph 3 substitute—

### “Disciplinary measures

3. Sections 210 (statements of policy) and 211 (statements of policy: procedure) apply in respect of the imposition and amount of penalties under regulation 6 as they apply in respect of the imposition and amount of penalties under section 206 (financial penalties) of the 2000 Act with the following modifications to section 210—

- (a) a reference to a regulator is to the FCA; and
- (b) after subsection (8) insert—
  - “(9) Until such time a statement of policy has been issued in respect of the imposition and amount of penalties under regulation 6 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012, any statement issued under this section as applied by paragraph 3 of the Schedule to the Cross-Border Payments in Euro Regulations 2010 shall also apply for the purposes of this section.”;
- (i) in paragraph 4(a)(i), for “competent authority” substitute “PRA”;
- (j) in paragraph 4(a)(iii)(bb), for “(b)” substitute “(aa)”;
- (k) for paragraph 4(a)(iii)(cc), substitute—
  - “(cc) for paragraph (d), substitute—
    - “(d) a person appointed to make a report under section 166 or 166A;”;
- (l) in paragraph 4(a)(iii)(ee), for “paragraph (f)” substitute “paragraphs (ea) and (f)”;
- (m) for paragraph 4(iv), substitute—
  - “(iv) for subsection (6) substitute—
    - “(6) In subsection (5)(f), “expert” includes any body or person appointed under regulation 4(2) of the Payment in Euros (Credit Transfers and Direct Debits) Regulations 2012.”;
- (n) in paragraph 5(c), after “(5),” insert “(5A), (6A),”;
- (o) in paragraph 5(e), for “Authority’s” substitute “FCA’s and PRA’s”;
- (p) for paragraph 7(a)(ii), substitute—
  - “(ii) omit subsection (5); and”;
- (q) in paragraph 8, before “under the 2000 Act” insert “given by the Authority”.

### **The Criminal Legal Aid (General) Regulations 2013**

**249.** In regulation 9(r) of the Criminal Legal Aid (General) Regulations 2013(a) (criminal proceedings)—

- (a) for “Financial Services Authority” substitute “Financial Conduct Authority”;
- (b) after sub-paragraph (i) insert—
  - “(ia) a decision of the Prudential Regulation Authority;”.

### **The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013**

**250.**—(1) The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013(b) is amended as follows.

(2) In article 2(1)—

- (a) omit the definition of “the competent authority for listing”;
- (b) at the appropriate place in each case insert —
  - ““the FCA” means the Financial Conduct Authority;
  - “the PRA” means the Prudential Regulation Authority;”;
- (c) for the definition of “key worker” substitute—
  - ““key worker” means—
    - (a) any individual who is likely, in the course of exercising the duties of that individual’s office or employment, to play a significant role in the decision making process of the FCA, the PRA or the Bank of England in relation to the exercise of its public functions (within the meaning of section 349(5) of the 2000 Act(c)); or
    - (b) any individual who is likely, in the course of exercising the duties of that individual’s office or employment, to support directly an individual mentioned in paragraph (a);”;
- (d) For the definition of “Part IV permission” substitute—
  - ““Part 4A permission” has the meaning given by section 55A(5) of the 2000 Act(d);”.

(3) In Schedule 2, in Part 1—

- (a) in paragraph 1—
  - (i) for “Any decision by the Financial Services Authority” substitute “Any decision by the FCA, the PRA or the Bank of England”;
  - (ii) in sub-paragraph (a) for “Part IV permission” substitute “Part 4A permission”;
  - (iii) in sub-paragraph (b) for “section 43” substitute “section 55L, 55M or 55O(e)”;
  - (iv) in sub-paragraph (d) omit “the Financial Services Authority’s”;
  - (v) in sub-paragraph (j) after “section 296” insert “or 296A(f)”;
  - (vi) in sub-paragraph (l) for “the Financial Services Authority” substitute “the FCA or the PRA”;
  - (vii) at the end of sub-paragraph (o) omit “or”;
  - (viii) after sub-paragraph (p) insert—
    - “(q) in a case requiring any decision referred to in paragraphs (a) to (p), where the FCA, the PRA or the Bank of England has the function of deciding whether to give

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(a) S.I. 2013/9.

(b) S.S.I. 2013/50.

(c) Section 349(5) was amended by S.I. 2011/1043.

(d) Part 4A of FSMA 2000, including section 55A, was substituted by section 11(2) of the Financial Services Act 2012 (c. 12).

(e) Section 43 was repealed and sections 55L, 55M and 55O were added by section 11 of the Financial Services Act 2012.

(f) Section 296A was inserted by section 31 of the Financial Services Act 2012.

consent or conditional consent in relation to the decision which is proposed in that case, to give or refuse to give consent or to give conditional consent, or

- (r) in a case requiring any decision referred to in paragraphs (a) to (p), where the FCA, the PRA or the Bank of England has the power under the 2000 Act to direct another regulator as to the decision to be taken in that case, to decide whether to give a direction and, if a direction is to be given, what direction to give;”;

(b) in paragraph 3—

- (i) for “Any decision of the competent authority for listing” substitute “Any decision of the FCA”;

(ii) at the end of sub-paragraph (b) omit “or”;

(iii) in sub-paragraph (c) for “the competent authority for listing,” substitute “the FCA in relation to the exercise of its functions under Part 6 of the 2000 Act, or”;

(iv) after sub-paragraph (c) insert—

“(d) to refuse to grant a person’s application under information provider rules (within the meaning of section 89P(9) of the 2000 Act) for approval as a Primary information provider, to impose limitations or other restrictions on the giving of information to which such an approval relates or to cancel such an approval,”;

(c) in paragraph 4 for “the Financial Services Authority” substitute “the FCA or the PRA”;

(d) in paragraph 6(a) and (b) for “Part IV permission” substitute “Part 4A permission”.

(4) In Schedule 2, in Part 2, for the table substitute—

<i>“Column 1 (Status)”</i>	<i>Column 2 (Questioner)</i>
1 A person with Part 4A permission.	The FCA, the PRA or the Bank of England.
2 (1) A person in relation to whom an approval is given under section 59 of the 2000 Act(a) (approval for particular arrangements).	The FCA, the PRA or the authorised person (within the meaning of section 31(2) of the 2000 Act(b)) or the applicant for Part 4A permission who made the application for the approval of the appropriate regulator (within the meaning of section 59(4) of the 2000 Act) under section 59 of the 2000 Act in relation to the person mentioned in sub-paragraph (1) of the first column.
(2) An associate of the person (whether or not an individual) mentioned in sub-paragraph (1).	
3 (1) The manager or trustee of an authorised unit trust scheme (within the meaning of section 237 of the 2000 Act(c)).	The FCA or the unit trust scheme mentioned in the first column.
(2) An associate of the person (whether or not an individual) mentioned in sub-paragraph (1).	
4 (1) A director of an open-ended investment company.	The FCA, the PRA or the open-ended investment company mentioned in the first column.
(2) An associate of that person (whether or not an individual) mentioned in sub-paragraph (1).	
5. An associate of the operator or trustee of a relevant collective investment scheme.	The FCA, the PRA or the collective investment scheme mentioned in the first column.

(a) Section 59 was amended by section 14 of the Financial Services Act 2012.

(b) Section 31 was amended by section 11 of the Financial Services Act 2012.

(c) Section 237 was amended by S.I. 2011/1613 and by paragraph 9 of Schedule 18 to the Financial Services Act 2012.



6.	An associate of a UK recognised investment exchange or UK recognised clearing house.	The FCA, the PRA, the Bank of England or the investment exchange or clearing house mentioned in the first column.
7.	A controller of a person with Part 4A permission.	The FCA, the PRA or the person with Part 4A permission mentioned in the first column.
8.	<p>(1) A person who carries on a regulated activity (within the meaning of section 22 of the 2000 Act<sup>(a)</sup>) but to whom the general prohibition does not apply by virtue of section 327 (exemption from the general prohibition for members of a designated professional body).</p> <p>(2) An associate of the person (whether or not an individual) mentioned in sub-paragraph (1).</p>	<p>(1) The FCA or the PRA.</p> <p>(2) In the case of a person mentioned in sub-paragraph (2) of the first column, the person mentioned in sub-paragraph (1) of that column.</p>
9.	A key worker of the FCA, the PRA or the Bank of England.	The FCA, the PRA or the Bank of England.
10.	An ombudsman (within the meaning of Schedule 17 to the 2000 Act) of the Financial Ombudsman Service.	The scheme operator (within the meaning of section 225 of the 2000 Act) of the Financial Ombudsman Service.
11.	An associate of the issuer of securities which have been admitted to the official list maintained by the FCA for listing under section 74 of the 2000 Act <sup>(b)</sup> .	The FCA.
12.	A sponsor (within the meaning of section 88(2) of the 2000 Act <sup>(c)</sup> ).	The FCA.
13.	<p>(1) A Primary information provider (within the meaning of section 89P of the 2000 Act).</p> <p>(2) An associate of the person (whether or not an individual) mentioned in sub-paragraph (1).</p>	<p>The FCA or the PRA.</p> <p>In the case of a person mentioned in sub-paragraph (2) of the first column, the person mentioned in sub-paragraph (1) of that column.</p>
14.	An associate of a person who has Part 4A permission and who is admitted to Lloyd's as an underwriting agent (within the meaning of section 2 of Lloyd's Act 1982).	<p>(1) The Council of Lloyd's.</p> <p>(2) The person with Part 4A permission specified in the first column (or a person applying for such permission).</p>
15.	An associate of the Council of Lloyd's.	The Council of Lloyd's.
16.	<p>(1) A member of a UK recognised investment exchange or UK recognised clearing house.</p> <p>(2) An associate of the person (whether or not an individual) mentioned in sub-paragraph (1).</p>	<p>(1) The UK recognised investment exchange or UK recognised clearing house specified in the first column.</p> <p>(2) In the case of a person mentioned in sub-paragraph (2) of the first column, the person mentioned in sub-paragraph (1) of that column.</p>
17	A director or a person responsible for the management of the electronic money or payment services business of an electronic money institution.	The FCA.

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(a) Section 22 was amended by section 7 of the Financial Services Act 2012.

(b) Section 74 was amended by S.I. 2005/381 and 2005/1433 and by section 16 of the Financial Services Act 2012.

(c) Section 88(2) was amended by section 16(1), (2)(a) and (3)(f) of the Financial Services Act 2012.

18	A controller of an electronic money institution.	The FCA.
19	A director or a person responsible for the management of an authorised payment institution or a small payment institution.	The FCA.
20	A person responsible for the management of payment services provided, or to be provided, by an authorised payment institution or a small payment institution.	The FCA.
21	A controller of an authorised payment institution or a small payment institution.	The FCA.”

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(5) In Schedule 3, in paragraph 6(1)(a), for “the Financial Services Authority” substitute “the FCA, the PRA, the Bank of England”.

### **The Belarus (Asset-Freezing) Regulations 2013**

**251.** In paragraph 5(1)(e) of the Schedule to the Belarus (Asset-Freezing) Regulations 2013(a) (general power to disclose information), for “the Financial Services Authority” substitute “the Financial Conduct Authority, the Prudential Regulation Authority”.

### **The Guinea (Sanctions) (Overseas Territories) Order 2013**

**252.** In paragraph 5(1)(e) of Schedule 6 to the Guinea (Sanctions) (Overseas Territories) Order 2013(b) (evidence and information), for “the Financial Services Authority of the United Kingdom” substitute “the Financial Conduct Authority of the United Kingdom, the Prudential Regulation Authority of the United Kingdom”.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes consequential amendments to subordinate legislation in connection with the Financial Services Act 2012 (c.21) (“the Act”) and provision made under the Act. The Order also makes transitional provision in connection with those amendments.

Article 2 gives effect to the Schedule 1 to this Order. Schedule 1 provides for the subordinate legislation specified in column 1 of the table to the Schedule to be revoked to the extent indicated in the second column of the table.

Article 3 gives effect to Schedule 2 to this Order. Schedule 2 amends subordinate legislation in consequence of the Act. The amendments include amendments to references to provisions of the Financial Services and Markets Act 2000 which have been amended or repealed by Act or to Financial Services Authority Instruments that are amended in connection with Act. The amendments also amend references to rules made by the Financial Services Authority under the Financial Services and Markets Act 2000. The Act transfers a number of the functions of the Financial Services Authority to the Prudential Regulation Authority and the Bank of England and renames the Financial Services Authority as the Financial Conduct Authority. Schedule 2 also contains transitional provisions related to those amendments.

Article 4 makes provision for amendments to references to Part IV of the Financial Services and Markets Act 2000 to reflect the new numbering, “Part 4A” of the 2000 Act, in consequence of the Act.

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(a) S.I. 2013/164.  
(b) S.I. 2013/244.

The Act substitutes a new Part 9A of the Financial Services and Markets Act 2000 in place of Part 10. Article 5 makes provision for amendments to references to Part X of the Financial Services and Markets Act 2000 to reflect the new numbering.

Article 6 makes provision for amendments to references to “UK Listing Authority” or “Competent Authority for Listing in the UK” in consequence of the Financial Conduct Authority taking on this function under the Act.

A full impact assessment of the effect that this Order will have on the costs of business and the voluntary sector is available from Her Majesty’s Treasury 1 Horse Guards Road, London SW1A 2HQ or on [www.hm-treasury.gov.uk](http://www.hm-treasury.gov.uk) and is published alongside this Order on [www.legislation.gov.uk](http://www.legislation.gov.uk).