
STATUTORY INSTRUMENTS

2001 No. 3649

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

PART 9

AMENDMENTS TO SECONDARY LEGISLATION

The Pension Sharing (Pension Credit Benefit) Regulations 2000 (S.I. 2000/1054)

Interpretation of the 2000 Regulations

592.—(1) In paragraph (2) of regulation 1 of the Pension Sharing (Pension Credit Benefit) Regulations 2000 (Citation, commencement and interpretation), for the definition of “the reference banks”⁽¹⁾ substitute—

““the reference banks” means the seven largest persons for the time being who—

- (a) have permission under Part 4 of the Financial Services and Markets Act 2000 to accept deposits;
- (b) are incorporated in the United Kingdom and carrying on there a regulated activity of accepting deposits; and
- (c) quote a base rate in sterling;

and for the purpose of this definition the size of a person at any time is to be determined by reference to the gross assets denominated in sterling of that person, together with any subsidiary (as defined in section 736 of the Companies Act 1985), as shown in the audited end of year accounts last published before that time.”.

(2) After paragraph (2) of that regulation insert—

“(3) The definition of “the reference banks” in paragraph (2) must be read with—

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

Means of assuring pension credit benefit

593.—(1) In paragraph (3) of regulation 5 of the Pension Sharing (Pension Credit Benefit) Regulations 2000 (means of assuring pension credit benefit), for sub-paragraphs (a) to (c) substitute—

- “(a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of long-term insurance; or

⁽¹⁾ The definition of “the reference banks” was amended by [S.I. 2000/2691](#), regulation 12(1),(2).

- (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of long-term insurance.”.
- (2) For paragraph (4) of that regulation substitute—
- “(4) Paragraph (3)(a) and (b) must be read with—
 - (a) section 22 of the Financial Services and Markets Act 2000;
 - (b) any relevant order under that section; and
 - (c) Schedule 2 to that Act.”.