

SCHEDULE 6

Regulation 29(4)

Consequential amendments to other secondary legislation

Amendment of the Cash Ratio Deposits (Eligible Liabilities) Order 1998

1. In article 2(3) of the Cash Ratio Deposits (Eligible Liabilities) Order 1998⁽¹⁾, for “Directive 2000/12/EC of the European Parliament and of the Council (as last amended by Directive 2002/87/EC of the European Parliament and of the Council)” substitute “Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions”.

Amendment of the Cross-Border Credit Transfers Regulations 1999

2. In the definition of “credit institution” in regulation 2(1) of the Cross-Border Credit Transfers Regulations 1999⁽²⁾, for “Article 1(1)(a) of Directive 2000/12/EC of the European Parliament and of the Council” substitute “Article 4(1)(a) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions”.

Amendment of the Financial Markets and Insolvency (Settlement Finality) Regulations 1999

3. For the definition of “credit institution” in regulation 2(1) of the Financial Markets and Insolvency (Settlement Finality) Regulations 1999⁽³⁾ substitute—

““credit institution” means a credit institution as defined in Article 4(1)(a) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions, including the bodies set out in the list in Article 2;”.

Amendment of the Competition Act 1998 (Small Agreements and Conduct of Minor Significance) Regulations 2000

4. In paragraph 1(1) of the Schedule to the Competition Act 1998 (Small Agreements and Conduct of Minor Significance) Regulations 2000⁽⁴⁾—

- (a) in the definition of “credit institution”, for “Article 1(1)(a) of Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000” substitute “Article 4(1)(a) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006”;
- (b) in the definition of “financial institution”, for “Article 1 of Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000” substitute “Article 4(5) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006”.

Amendment of the Competition Act 1998 (Determination of Turnover for Penalties) Order 2000

5. In paragraph 1 of the Schedule to the Competition Act 1998 (Determination of Turnover for Penalties) Order 2000⁽⁵⁾—

(1) S.I. 1998/1130; as amended by S.I. 2000/2952 and S.I. 2004/1862.
(2) S.I. 1999/1876.
(3) S.I. 1999/2979; as amended by S.I. 2000/2952 and S.I. 2002/765.
(4) S.I. 2000/262; as amended by S.I. 2000/2952 and S.I. 2002/765.
(5) S.I. 2000/309; as amended by S.I. 2000/2952 and S.I. 2002/765.

Status: This is the original version (as it was originally made).

- (a) in the definition of “credit institution”, for “Article 1(1)(a) of Directive [2000/12/EC](#) of the European Parliament and of the Council of 20 March 2000” substitute “Article 4(1)(a) of Directive [2006/48/EC](#) of the European Parliament and of the Council of 14 June 2006”;
- (b) in the definition of “financial institution”, for “Article 1 of Directive [2000/12/EC](#) of the European Parliament and of the Council of 20 March 2000” substitute “Article 4(5) of Directive [2006/48/EC](#) of the European Parliament and of the Council of 14 June 2006”.

Amendment of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001

6.—(1) The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(6) is amended as follows.

(2) In article 9C(2)(7), for “Article 1(1)(a)” substitute “Article 4(1)(a)”.

(3) In paragraph (g)(iii) of Schedule 3, for “Directive [93/6/EEC](#)” substitute “Directive [2006/49/EC](#)”.

Amendment of the Financial Services and Markets Act 2000 (Compensation Scheme: Electing Participants) Regulations 2001

7. In the definition of “credit institution” in regulation 1(2) of the Financial Services and Markets Act 2000 (Compensation Scheme: Electing Participants) Regulations 2001(8), for “Article 1” substitute “Article 4(1)”.

Amendment of the Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001

8.—(1) The Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001(9) are amended as follows.

(2) In the definition of “directive restrictions” in regulation 2 for “article 30 of the banking consolidation directive” substitute “Section 2 of Chapter 1 of Title V of the banking consolidation directive”.

(3) In regulation 9(2)(b), for “article 30.3” substitute “article 46”.

(4) In regulation 9(3)(b)(ii), for “article 29” substitute “article 43”.

Amendment of the Financial Services and Markets Act 2000 (EEA Passport Rights) Regulations 2001

9.—(1) The Financial Services and Markets Act 2000 (EEA Passport Rights) Regulations 2001(10) are amended as follows.

(2) In regulation 2(3)(d), for “the solvency ratio of the firm (calculated in accordance with the banking consolidation directive)” substitute “the sum of the capital requirements under Article 75 of the banking consolidation directive”.

(3) For regulation 2(4)(d) substitute—

“(d) the sum of the capital requirements under Article 75 of the banking consolidation directive of the firm’s parent undertaking.”.

(6) [S.I. 2001/544](#).

(7) Article 9C2 was inserted by [S.I. 2002/682](#).

(8) [S.I. 2001/1783](#).

(9) [S.I. 2001/2188](#).

(10) [S.I. 2001/2511](#); as amended by [S.I. 2002/765](#).

Amendment of the Financial Services and Markets Act 2000 (Gibraltar) Order 2001

10. In article 4(4) of the Financial Services and Markets Act 2000 (Gibraltar) Order 2001(11), for “Article 19” substitute “Article 24”.

Amendment of the Financial Services and Markets Act 2000 (Confidential Information) (Bank of England) (Consequential Provisions) Order 2001

11. In each of articles 4(2) and 6(4) of the Financial Services and Markets Act 2000 (Confidential Information) (Bank of England) (Consequential Provisions) Order 2001(12), for “Article 29” substitute “Article 43”.

Amendment of the Uncertified Securities Regulations 2001

12. In paragraph 1(1)(b) of Schedule 2 to the Uncertified Securities Regulations 2001(13), for “Directive [2000/12/EC](#) of the European Parliament and of the Council” substitute “Directive [2006/48/EC](#) of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions”.

Amendment of the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2002

13. In article 9 of the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2002(14)—

- (a) for “Article 1” in paragraph (4) substitute “Article 4(2)”; and
- (b) for “Article 1(1)(a)” in paragraph (9) substitute “Article 4(1)(a)”.

Amendment of the Enterprise Act 2002 (Merger Fees and Determination of Turnover) Order 2003

14. In the definition of “credit institution” in paragraph 1 of the Schedule to the Enterprise Act 2002 (Merger Fees and Determination of Turnover) Order 2003(15), for “Article 1 of Directive [2000/12/EC](#) of the European Parliament and of the Council of 20 March 2000” substitute “Article 4(1) of Directive [2006/48/EC](#) of the European Parliament and of the Council of 14 June 2006”.

Amendment of the Money Laundering Regulations 2003

15. For the definition of “Banking Consolidation Directive” in regulation 2 of the Money Laundering Regulations 2003(16) substitute—

““the Banking Consolidation Directive” means Directive [2006/48/EC](#) of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions;”.

(11) [S.I. 2001/3084](#).

(12) [S.I. 2001/3648](#).

(13) [S.I. 2001/3755](#).

(14) [S.I. 2002/682](#).

(15) [S.I. 2003/1370](#).

(16) [S.I. 2003/3075](#).

Amendment of the Conduct of Employment Agencies and Employment Businesses Regulations 2003

16. In the definition of “credit institution” in regulation 25(1) of the Conduct of Employment Agencies and Employment Businesses Regulations 2003⁽¹⁷⁾, for “article 1(1)(a) of Directive 2000/12/EC of the European Parliament and of the Council” substitute “Article 4(1)(a) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006”.

Amendment of the Credit Institutions (Reorganisation and Winding Up) Regulations 2004

17.—(1) The Credit Institutions (Reorganisation and Winding Up) Regulations 2004⁽¹⁸⁾ are amended as follows.

(2) In regulation 2(1)—

(a) for the definition of “banking consolidation directive” substitute—

““banking consolidation directive” means Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions;”;

(b) in the definition of “branch”, for “Article 1(3)” substitute “Article 4(3)”;

(c) in the definition of “EEA credit institution”, for “Article 1(1) and (3) and subject to the conditions in Article 2(3)” substitute “Article 4(1) and (3) and subject to the exclusion of the undertakings referred to in Article 2”; and

(d) in the definition of “EEA regulator”, for “Article 1(4)” substitute “Article 4(4)”.

(3) In the definition of “relevant EEA State” in regulation 5(6), for “Article 4” substitute “Article 6”.

Amendment of the Building Societies Act 1986 (Modification of the Lending Limit and Funding Limit Calculations) Order 2004

18. In the definition of “credit institution” in article 2(1) of the Building Societies Act 1986 (Modification of the Lending Limit and Funding Limit Calculations) Order 2004⁽¹⁹⁾, for “article 1(1) of Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000” substitute “Article 4(1) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006”.

⁽¹⁷⁾ S.I. 2003/3319.

⁽¹⁸⁾ S.I. 2004/1045.

⁽¹⁹⁾ S.I. 2004/3200.