SCHEDULE 9

AMENDMENTS OF FINANCIAL SERVICES ACT

Insider dealing

- **39.**—(1) Section 178 of the Act (penalty for failure to co-operate with section 177 investigations) shall have effect as if—
 - (a) the reference in subsection (3) to an authorised person included a reference to a European institution; and
 - (b) the notices which may be served on a European institution under that subsection included a notice—
 - (i) directing that regulation 5(1)(b) of these Regulations shall not apply in relation to the institution after the expiry of a specified period after the service of the notice; or
 - (ii) directing that during a specified period that provision shall apply in relation to the institution only as respects the performance of contracts entered into before the notice comes into force;
 - (c) the reference in subsection (4) to the period mentioned in paragraphs (a) and (c) of subsection (3) included a reference to the period mentioned in paragraph (b)(i) and (ii) above;
 - (d) any reference in subsection (5) to an unauthorised person did not include a reference to a European institution carrying on home-regulated investment business in the United Kingdom; and
 - (e) the reference in that subsection to any authorised person included a reference to such a European institution.
- (2) That section shall also have effect as if it included provision that if, it appears to the Secretary of State—
 - (a) that a person on whom he serves a notice under subsection (3) is a European institution carrying on home-regulated investment business in the United Kingdom; or
 - (b) that a person on whom he serves a revocation notice under subsection (7) was such an institution at the time when the notice which is being revoked was served,

he shall serve a copy of the notice on the Board or, in the case of an institution which is a member of a recognised self-regulating organisation, that organisation.