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## SCHEDULES

### SCHEDULE 6

#### FINANCIAL INFORMATION

##### *Financial institution*

- 6 (1) In this Schedule “financial institution” means—
- <sup>F1</sup>(a) a person who has permission under [<sup>F2</sup>Part 4A] of the Financial Services and Markets Act 2000 to accept deposits,]
  - <sup>F3</sup>(b) .....
  - (c) a credit union (within the meaning of the <sup>M1</sup>Credit Unions Act 1979 or the <sup>M2</sup>Credit Unions (Northern Ireland) Order 1985),
  - <sup>F4</sup>(d) a person carrying on a relevant regulated activity,]
  - (e) the National Savings Bank,
  - (f) a person who carries out an activity for the purposes of raising money authorised to be raised under the <sup>M3</sup>National Loans Act 1968 under the auspices of the Director of National Savings,
  - <sup>F5</sup>(g) .....
  - (h) a person carrying out an activity specified in [<sup>F6</sup>the points in Schedule 2 to the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017], , <sup>F7</sup>...
  - <sup>F8</sup>(ha) an electronic money institution within the meaning of the Electronic Money Regulations 2011 (S.I. 2011/99) (see regulation 2(1)), <sup>F9</sup>...
  - (i) an authorised person (within the meaning of section 31 of the Financial Services and Markets Act 2000) who has permission under Part 4A of that Act to carry out or effect contracts of insurance, when carrying out or effecting any contract of long-term insurance.]
  - <sup>F10</sup>(j) a cryptoasset exchange provider, and
  - (k) a custodian wallet provider.]
- <sup>F11</sup>(1A) For the purposes of sub-paragraph (1)(d), a relevant regulated activity means—
- (a) dealing in investments as principal or as agent,
  - (b) arranging deals in investments,
    - [ operating a multilateral trading facility,]
  - <sup>F12</sup>(ba) [ operating an organised trading facility,]
  - <sup>F13</sup>(bb) (c) managing investments,
  - (d) safeguarding and administering investments,
  - (e) sending dematerialised instructions,
    - [ managing a UCITS,

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- <sup>F14</sup>(ea)
- (eb) acting as trustee or depositary of a UCITS,
  - (ec) managing an AIF,
  - (ed) acting as trustee or depositary of an AIF,]
  - (f) establishing etc. collective investment schemes,
  - (g) advising on investments.

[ For the purposes of sub-paragraph (1)(i), “contract of long-term insurance” means <sup>F15</sup>(1AA) any contract falling within Part 2 of Schedule 1 to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544).]

[ For the purposes of sub-paragraph (1)(j), “cryptoasset exchange provider” means <sup>F16</sup>(1AB) a firm or sole practitioner who by way of business provides one or more of the following services, including where the firm or sole practitioner does so as creator or issuer of any of the cryptoassets involved—

- (a) exchanging or arranging or making arrangements with a view to the exchange of, cryptoassets for money or money for cryptoassets,
- (b) exchanging, or arranging or making arrangements with a view to the exchange of, one cryptoasset for another, or
- (c) operating a machine which utilises automated processes to exchange cryptoassets for money or money for cryptoassets.

(1AC) For the purposes of sub-paragraph (1)(k), “custodian wallet provider” means a firm or sole practitioner who by way of business provides services to safeguard, or to safeguard and administer—

- (a) cryptoassets on behalf of its customers, or
- (b) private cryptographic keys on behalf of its customers in order to hold, store and transfer cryptoassets.

(1AD) For the purposes of sub-paragraphs (1AB) and (1AC), “cryptoasset” means a cryptographically secured digital representation of value or contractual rights that uses a form of distributed ledger technology and can be transferred, stored or traded electronically.

(1AE) For the purposes of sub-paragraph (1AB)—

- (a) “cryptoasset” includes a right to, or interest in, the cryptoasset;
- (b) “money” means—
  - (i) money in sterling,
  - (ii) money in any other currency, or
  - (iii) money in any other medium of exchange,
 but does not include a cryptoasset.

(1AF) The Secretary of State may by regulations amend the definitions in sub-paragraphs (1AB) to (1AE).”]

(1B) Sub-paragraphs (1)(a) and (1A) 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.]

(2) The Secretary of State may by order provide for a class of person—

- (a) to be a financial institution for the purposes of this Schedule, or

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(b) to cease to be a financial institution for the purposes of this Schedule.

- (3) An institution which ceases to be a financial institution for the purposes of this Schedule (whether by virtue of sub-paragraph (2)(b) or otherwise) shall continue to be treated as a financial institution for the purposes of any requirement under paragraph 1 to provide customer information which relates to a time when the institution was a financial institution.

#### Textual Amendments

- F1** Sch. 6 para. 6(1)(a) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 361(2)(a)
- F2** Words in Sch. 6 para. 6(1)(a) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 87(3)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F3** Sch. 6 para. 6(1)(b) repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 361(2)(b)
- F4** Sch. 6 para. 6(1)(d) substituted (1.12.2001) by S.I. 2001/3649, arts. 1, 361(2)(c)
- F5** Sch. 6 para. 6(1)(g) omitted (17.8.2022) by virtue of The Financial Services Act 2021 (Prudential Regulation of Credit Institutions and Investment Firms) (Consequential Amendments and Miscellaneous Provisions) Regulations 2022 (S.I. 2022/838), regs. 1(2), **4(3)(a)** (with regs. 24-26)
- F6** Words in Sch. 6 para. 6(1)(h) substituted (17.8.2022) by The Financial Services Act 2021 (Prudential Regulation of Credit Institutions and Investment Firms) (Consequential Amendments and Miscellaneous Provisions) Regulations 2022 (S.I. 2022/838), regs. 1(2), **4(3)(b)** (with regs. 24-26)
- F7** Word in Sch. 6 para. 6(1)(h) omitted (9.2.2011 for specified purposes, 30.4.2011 in so far as not already in force) by virtue of The Electronic Money Regulations 2011 (S.I. 2011/99), reg. 1(2), **Sch. 4 para. 3(b)(ii)**
- F8** Sch. 6 para. 6(1)(ha)(i) substituted (31.12.2020) by The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, **5(7)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Word in Sch. 6 para. 6(1) omitted (26.10.2023 for specified purposes, 26.4.2024 in so far as not already in force) by virtue of Economic Crime and Corporate Transparency Act 2023 (c. 56), s. 219(1)(2)(b), **Sch. 10 para. 7(a)(i)**; S.I. 2024/269, reg. 4(c)
- F10** Sch. 6 para. 6(1)(j)(k) inserted (26.10.2023 for specified purposes, 26.4.2024 in so far as not already in force) by Economic Crime and Corporate Transparency Act 2023 (c. 56), s. 219(1)(2)(b), **Sch. 10 para. 7(a)(ii)**; S.I. 2024/269, reg. 4(c)
- F11** Sch. 6 para 6(1A)(1B) inserted (1.12.2001) by S.I. 2001/3649, arts. 1, 361(3)
- F12** Sch. 6 para. 6(1A)(ba) inserted (1.4.2007 for certain purposes and otherwise 1.11.2007) by The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment No. 3) Order 2006 (S.I. 2006/3384), **art. 33**
- F13** Sch. 6 para. 6(1A)(bb) inserted (1.4.2017 for specified purposes, 3.1.2018 in so far as not already in force) by The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2017 (S.I. 2017/488), art. 1(2), **Sch. para. 3**
- F14** Sch. 6 para. 6(1A)(ea)-(ed) inserted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 1 para. 41**
- F15** Sch. 6 para. 6(1AA) inserted (31.12.2020) by The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, **5(7)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Sch. 6 para. 6(1AB)-(1AF) inserted (26.10.2023 for specified purposes, 26.4.2024 in so far as not already in force) by Economic Crime and Corporate Transparency Act 2023 (c. 56), s. 219(1)(2)(b), **Sch. 10 para. 7(b)**; S.I. 2024/269, reg. 4(c)

#### Commencement Information

- I1** Sch. 6 wholly in force at 19.2.2001; Sch. 6 not in force at Royal Assent see s. 128; Sch. 6 para. 6(2) in force at 31.10.2000 by S.I. 2000/2944, **art. 2(j)(ii)**; Sch. 6 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, **art. 2**

#### Marginal Citations

- M1** 1979 c. 34.

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**M2** S.I. 1985/1205 (N.I.12).  
**M3** 1968 c. 13.

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