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SCHEDULES

SCHEDULE 3

Section 86

RESTRICTED INFORMATION HELD BY THE REGULATOR: CERTAIN PERMITTED DISCLOSURES TO FACILITATE EXERCISE OF FUNCTIONS

Commencement Information

II Sch. 3 in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), [Sch. Pt. 7](#)

Persons

The Secretary of State.

The Bank of England.

[^{F3}The Financial Conduct Authority

The Prudential Regulation Authority

[^{F4}The Charity Commission .

Functions

Functions under—

- (a) Part 14 of the Companies Act 1985 (c. 6),
- (b) the Insolvency Act 1986 (c. 45),
- (c) Part 3 of the Companies Act 1989 (c. 40),
- (d) Part 1 of the Export and Investment Guarantees Act 1991 (c. 67) (apart from sections 5 and 6),
- (e) Part 3 of the Pension Schemes Act 1993 (c. 48),
- (f) Part 5 of the Police Act 1997 (c. 50),
- (g) the Financial Services and Markets Act 2000 (c. 8),
- (ga) [^{F1} Section 17 of the Companies (Audit, Investigations and Community Enterprise) Act 2004 (levy to pay expenses of bodies concerned with accounting standards, actuarial standards etc), or]
- (h) this Act, and functions of co-operating with overseas government authorities and bodies in relation to criminal matters.

Any of its functions [^{F2}, apart from its functions as the Prudential Regulation Authority]

Any of its functions

Any of its functions]

Functions under the Charities Act 2006 or the Charities Act 2011.]

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The Pensions Regulator Tribunal.	Any of its functions.
^{F5} The First-tier Tribunal	Functions relating to decisions of the Regulator
The Upper Tribunal	Functions relating to decisions of the Regulator]
The Pensions Ombudsman.	Functions under— (a) the Pension Schemes Act 1993 (c. 48), or (b) the Pension Schemes (Northern Ireland) Act 1993 (c. 49).
The Ombudsman for the Board of the Pension Protection Fund.	Any of his functions.
The Comptroller and Auditor General.	Any of his functions.
The Auditor General for Wales.	Any of his functions.
The Auditor General for Scotland.	Any of his functions.
The Comptroller and Auditor General for Northern Ireland.	Any of his functions.
The Commissioners of Inland Revenue or their officers.	Functions under— (a) the Income and Corporation Taxes Act 1988 (c. 1), (b) the Taxation of Chargeable Gains Act 1992 (c. 12), (c) Part 3 of the Pension Schemes Act 1993, (d) Part 3 of the Pension Schemes (Northern Ireland) Act 1993, ^{F6} ... (e) the Income Tax (Earnings and Pensions) Act 2003 (c. 1). ^{F7} ^{F8} ... (f) the Income Tax (Trading and Other Income) Act 2005 (so far as relating to functions previously exercised under the Income and Corporation Taxes Act 1988).] ^{F9} ... (g) [^{F10} Part 4 of the Finance Act 2004 (c. 12).] ^{F11} or— (h) the Income Tax Act 2007 (so far as relating to functions previously exercised under the Income and Corporation Taxes Act 1988).]
The Commissioners of Customs and Excise.	Functions under any enactment.
The Official Receiver or, in Northern Ireland, the Official Receiver for Northern Ireland.	Functions under the enactments relating to insolvency.
An inspector appointed by the Secretary of State.	Functions under Part 14 of the Companies Act 1985 (c. 6).

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A person authorised to exercise powers under—	Functions under those sections F13
(a) section 447 of the Companies Act 1985,
(b) ^{F12} ...	
(c) section 84 of the Companies Act 1989 (c. 40).	
A person appointed under—	Functions in relation to that investigation.
(a) section 167 of the Financial Services and Markets Act 2000 (c. 8),	
(b) subsection (3) or (5) of section 168 of that Act, or	
(c) section 284 of that Act, to conduct an investigation.	
A body designated under section 326(1) of that Act.	Functions in its capacity as a body designated under that section.
[^{F14} A recognised investment exchange, recognised clearing house, EEA central counterparty or third country central counterparty (as defined by section 285 of that Act).	Functions in its capacity as an exchange, clearing house or central counterparty.]
A body corporate established in accordance with section 212(1) of that Act.	Functions under the Financial Services Compensation Scheme, established in accordance with section 213 of that Act.
The Panel on Takeovers and Mergers.	Functions under the City Code on Takeovers and Mergers and the Rules Governing Substantial Acquisitions of Shares for the time being issued by the Panel.
The General Insurance Standards Council.	Functions of regulating sales and advisory and service standards in relation to insurance.
A recognised professional body (within the meaning of section 391 of the Insolvency Act 1986 (c. 45)).	Functions in its capacity as such a body under that Act.
A person on whom functions are conferred by or under Part 2, 3 or 4 of the Proceeds of Crime Act 2002 (c. 29).	The functions so conferred.
The Counter Fraud and Security Management Service established under the Counter Fraud and Security Management Service (Establishment and Constitution) Order 2002 (S.I. 2002/3039).	Any of its functions.
The Department of Enterprise, Trade and Investment in Northern Ireland.	Functions under— (a) ^{F15} ... (b) the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)), ^{F15} ... (c) ^{F15} ...

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The Department for Social Development in Northern Ireland.

F16

...

A recognised professional body within the meaning of Article 350 of the Insolvency (Northern Ireland) Order 1989.

F17

...

[^{F18}Any body carrying on activities concerned with any of the matters set out in section 16(2) of the Companies (Audit, Investigations and Community Enterprise) Act 2004 (c.27)

F19

... (a “relevant body”), any subsidiary [^{F20}(as defined in section 1159 of the Companies Act 2006)] of a relevant body and any body established under the constitution of a relevant body or such a subsidiary.

Functions under Part 3 of the Pension Schemes (Northern Ireland) Act 1993 (c. 49).

F16

...

Functions in its capacity as such a body under that Order.

F17

...

Its functions relating to carrying on activities concerned with any of the following matters—

- (a) issuing standards to be applied in actuarial work,
- (b) issuing standards in respect of matters to be contained in reports or other communications required to be produced or made by actuaries or in accordance with standards within paragraph (a),
- (c) investigating departures from standards within paragraph (a) or (b),
- (d) taking steps to secure compliance with standards within paragraph (a) or (b),
- (e) carrying out investigations into public interest cases arising in connection with the performance of actuarial functions by members of the [^{F21}Institute and Faculty of Actuaries (“Institute and Faculty”), or persons who are not such members but are subject to the rules of that body in performing actuarial functions (“members”),]
- (f) holding disciplinary hearings relating to members following the conclusion of investigations within paragraph (e),
- (g) deciding whether (and, if so, what) disciplinary action should be taken against members to whom hearings within paragraph (f) related,
- (h) supervising the exercise by the [^{F21}Institute and Faculty] of:
 - (i) investigatory or disciplinary functions exercised by the [^{F21}Institute and Faculty] in relation to the performance by their members of actuarial functions,
 - (ii) the setting by the [^{F21}Institute and Faculty] of standards in

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	<p>relation to the performance by their members of actuarial functions, and</p> <p>(iii) the determining by the [^{F21}Institute and Faculty] of requirements in relation to the education and training of their members,</p> <p>(i) overseeing or directing any of the matters mentioned in paragraphs (a) to (h),</p> <p>and functions relating to the funding of activities concerned with any of the matters mentioned in paragraphs (a) to (i). Any functions in connection with any levy payable to it under section 17 of the Companies (Audit, Investigations and Community Enterprise) Act 2004.</p>
A member of the panel appointed under paragraph 4 of Schedule 17 to the Financial Services and Markets Act 2000 (c.8) by the body corporate [^{F22} mentioned in] paragraph 2 of that Schedule.	<p>Functions under—</p> <p>(a) Part 3 (the compulsory jurisdiction),</p> <p>(b) Part 3A (the consumer credit jurisdiction), and</p> <p>(c) Part 4 (the voluntary jurisdiction) of that Schedule to that Act.</p>
The Gambling Commission.	<p>Functions under—</p> <p>(a) the Gaming Act 1968 (c.65),</p> <p>(b) the Lotteries and Amusements Act 1976 (c.32), and</p> <p>(c) the Gambling Act 2005 (c.19).]</p>
[^{F23} Disclosure and Barring Service	<p>Functions under Part 5 of the Police Act 1997]</p>
[^{F24} Director of Labour Market Enforcement or a member of staff provided to the Director under section 1(4) of the Immigration Act 2016.	<p>Any of the Director's functions.]</p>

Textual Amendments

- F1** Words in Sch. 3 substituted (1.10.2009) by Companies Act 2006 (c. 46), ss. 1275(7), 1300(2); S.I. 2008/2860, art. 3(y) (with arts. 7, 8, Sch. 2 para. 1)
- F2** Words in Sch. 3 inserted (1.3.2017) by The Bank of England and Financial Services (Consequential Amendments) Regulations 2017 (S.I. 2017/80), reg. 1, Sch. para. 15(a)
- F3** Words in Sch. 3 substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), Sch. 18 para. 104(3)(a) (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F4** Words in Sch. 3 substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 7 para. 101 (with s. 20(2), Sch. 8)
- F5** Words in Sch. 3 inserted (6.4.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(2)(e), Sch. 2 para. 87 (with Sch. 5)
- F6** Word in Sch. 3 repealed (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), Sch. 1 para. 658(a), Sch. 3 (with Sch. 2)

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- F7** Word in Sch. 3 omitted (6.4.2006) by virtue of The Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), arts. 1, **18(2)(a)**
- F8** Words in Sch. 3 inserted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 658(b)** (with Sch. 2)
- F9** Word in Sch. 3 repealed (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 487(a), **Sch. 3 Pt. 1** (with Sch. 2)
- F10** Words in Sch. 3 added (6.4.2006) by The Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), arts. 1, **18(2)(c)**
- F11** Words in Sch. 3 inserted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 487(b)** (with Sch. 2)
- F12** Words in Sch. 3 omitted (1.10.2009) by virtue of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 243(12)(a)(i)** (with art. 10)
- F13** Words in Sch. 3 omitted (1.10.2009) by virtue of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 243(12)(a)(ii)** (with art. 10)
- F14** Words in Sch. 3 substituted (1.4.2013) by The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013 (S.I. 2013/504), regs. 1(2), **23(2)** (with regs. 52-58)
- F15** Words in Sch. 3 omitted (1.10.2009) by virtue of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 243(12)(b)** (with art. 10)
- F16** Sch. 3 entry omitted (1.10.2009) by virtue of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 243(12)(c)** (with art. 10)
- F17** Sch. 3 entry omitted (7.12.2006) by virtue of The Pensions Act 2004 (Disclosure of Restricted Information) (Amendment of Specified Persons) Order 2006 (S.I. 2006/2937), arts. 1, **2(a)**
- F18** Words in Sch. 3 added (7.12.2006) by The Pensions Act 2004 (Disclosure of Restricted Information) (Amendment of Specified Persons) Order 2006 (S.I. 2006/2937), arts. 1, **2(b)**
- F19** Words in Sch. 3 omitted (1.10.2009) by virtue of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 243(12)(d)(i)** (with art. 10)
- F20** Words in Sch. 3 substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 243(12)(d)(ii)** (with art. 10)
- F21** Words in Sch. 3 substituted (6.4.2012) by The Pensions Act 2004 (Disclosure of Restricted Information by the Pensions Regulator “ Amendment) Order 2012 (S.I. 2012/691), arts. 1(1), **2**
- F22** Words in Sch. 3 substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 104(3)(b)** (with Sch. 20); S.I. 2013/423, art. 3, **Sch.**
- F23** Words in Sch. 3 inserted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **84** (with Pt. 4)
- F24** Words in Sch. 3 inserted (12.7.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 3 para. 25**; S.I. 2016/603, reg. 3(u)

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