
EXPLANATORY NOTE

(This Note does not form part of the Order)

This Order sets out the amendments to primary and secondary legislation consequential on the coming into force of the Financial Services and Markets Act 2000 (c. 8) (“FSMA”). The large majority of the amendments are needed as a result of the principal repeals and revocations made by article 3. All references in other legislation to the enactments repealed here, or to expressions used in those enactments, have been amended in the subsequent provisions of the Order so that they refer to the appropriate provision or expression under FSMA.

Part 1 of the Order provides for the Order to come into force on 1st December 2001, the date on which the main provisions of FSMA come into force in accordance with the Financial Services and Markets Act 2000 (Commencement No. 7) Order 2001 (S.I. 2001/3528 (C. 115)). Article 3 repeals the legislation which established the regulatory regimes which are replaced by FSMA.

Part 2 of the Order makes amendments to the Companies Acts and the corresponding Northern Ireland Orders. Part 3 amends enactments relating to pensions and the corresponding Northern Ireland provisions. Parts 4 and 5 amend the Bank of England Act 1998 (c. 11) and the Consumer Credit Act 1974 (c. 39) respectively.

Part 6 amends primary and secondary legislation relating to mutuals societies. Some of these provisions are consequent upon the dissolution of the bodies referred to in Part III of the Financial Services and Markets Act 2000 (Mutual Societies) Order 2001 (S.I. 2001/2617) and the transfer of their functions to the Financial Services Authority. Schedule 3 to that Order made most of the amendments needed as a result of the dissolution of those bodies but further amendments are included here. A small number of the articles in this Part replaces provisions in Schedule 3 to the Mutual Societies Order by amending provisions which are amended by Schedule 3 and revoking the relevant provisions in that Schedule.

Part 7 of the Order amends primary and secondary legislation in Scotland.

Part 8 amends other primary legislation not covered elsewhere in the Order and Part 9 amends secondary legislation. Amendments to enactments dealing with taxation are made by the Financial Services and Markets Act 2000 (Consequential Amendments) (Taxes) Order 2001 (S.I. 2001/3629) which also comes into effect on 1 December 2001.