
STATUTORY INSTRUMENTS

2002 No. 1555

**The Financial Services and Markets Act 2000
(Consequential Amendments) Order 2002**

NORTHERN IRELAND LEGISLATION

The Superannuation (Northern Ireland) Order 1972 (S.I 1972/1703 (N.I 10))

Authorised providers in relation to superannuation schemes for civil servants etc.

50.—(1) Article 3 of the Superannuation (Northern Ireland) Order 1972 (superannuation schemes in respect of civil servants etc.) is amended as follows.

(2) In paragraph (8)(1), for the definition of “authorised provider” substitute—

““authorised provider”, in relation to the investment of any sums paid by way of voluntary contributions or the provision of any benefit, means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to invest such sums or, as the case may be, to provide that benefit;
- (b) an EEA firm of a kind mentioned in paragraph 5(a), (b) or (c) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to invest such sums or, as the case may be, to provide that benefit and which satisfies the conditions applicable to it which are specified in paragraph (8B), (8C) or (8D); or
- (c) an EEA firm of a kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to invest such sums or, as the case may be to provide that benefit;”.

(3) After that paragraph insert—

“(8A) In paragraph (8), the definition of “authorised provider” must be read with—

- (a) section 22 to the Financial Services and Markets Act 2000;
- (b) any relevant order made under that section; and
- (c) Schedule 2 to that Act.

(8B) If the EEA firm concerned is of the kind mentioned in paragraph 5(a) of Schedule 3 to the Financial Services and Markets Act 2000, the conditions are—

- (a) that, in investing of the sums in question, or in providing the benefit in question, the firm is carrying on a service falling within section A or C of the Annex to the Investment Services Directive; and
- (b) that firm is authorised by its home state authorisation to carry on that service.

(8C) If the EEA firm concerned is of the kind mentioned in paragraph 5(b) of that Schedule, the conditions are—

(1) Paragraph (8) was inserted by the Pensions (Miscellaneous Provisions) (Northern Ireland) Order 1990, S.I. 1990/1509 (N.I. 13), Article 10, and amended by the Pension Schemes (Northern Ireland) Act 1993 (c. 49), Schedule 7, paragraph 14.

- (a) that, in investing of the sums in question, or in providing the benefit in question, the firm is carrying on an activity falling within Annex 1 to the Banking Consolidation Directive; and
 - (b) that the activity in question is one in relation to which an authority in the firm's home State has regulatory functions.
- (8D) If the EEA firm concerned is of the kind mentioned in paragraph 5(c) of that Schedule, the conditions are—
- (a) that, in investing of the sums in question, or in providing the benefit in question, the firm is carrying on an activity falling within Annex 1 to the Banking Consolidation Directive;
 - (b) that the activity in question is one in relation to which an authority in the firm's home State has regulatory functions; and
 - (c) that the firm also carries on the activity in question in its home State.
- (8E) Expressions used in paragraphs (8B) to (8D) which are also used in Schedule 3 to the Financial Services and Markets Act 2000 have the same meanings in those paragraphs as they have in that Schedule.”.

Authorised providers in relation to superannuation schemes for teachers

51. In Article 11(6) of the Superannuation (Northern Ireland) Order 1972 (superannuation schemes as respects teachers) for the definition of “authorised provider”(2) substitute—

““authorised provider” has the meaning given in Article 3;”.

Authorised providers in relation to superannuation schemes for persons engaged in health services etc.

52. In Article 12(6) of the Superannuation (Northern Ireland) Order 1972 (superannuation schemes as respects persons engaged in health services, etc.) for the definition of “authorised provider”(3) substitute—

““authorised provider” has the meaning given in Article 3;”.

(2) The definition of “authorised provider” was inserted by [S.I. 1990/1509, \(N.I. 13\)](#), Article 10(4).

(3) The definition of “authorised provider” was inserted by [S.I. 1990/1509 \(N.I. 13\)](#), Article 10(6).