

## SCHEDULE 5

### Application and modification of legislation

## PART 2

### Application and modification of secondary legislation

#### **The Financial Services and Markets Act 2000 (Service of Notices) Regulations 2001**

9. The Financial Services and Markets Act 2000 (Service of Notices) Regulations 2001(1) applies to any notice, direction or document of any kind given by or to the Authority under these Regulations as it applies to any notice, direction or document of any kind under the 2000 Act.

#### **Commencement Information**

II Sch. 5 para. 9 comes into force in accordance with reg. 1(2)

#### **The Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001**

10. The Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001(2) applies with the following modifications—

- (a) in regulation 2—
  - (i) in the definition of “directive restrictions” for “and article 9 of the insurance mediation directive” substitute “, article 9 of the insurance mediation directive and Article 22 of the payment services directive”;
  - (ii) in paragraph (a) of the definition of “overseas regulatory authority” after “of the Act” insert “or any function conferred under national legislation in implementation of the payment services directive”; and
  - (iii) after the definition of “overseas regulatory authority” insert—
    - ““payment services directive” means Directive [2007/64/EC](#) of the European Parliament and of the Council of 13th November 2007 on payment services in the internal market;
    - “payment services directive information” means confidential information received by the Authority in the course of discharging its functions as the competent authority under the payment services directive;”;
- (b) in regulation 5(4)(a) for “an authorised person, former authorised person or former regulated person” substitute “an authorised payment institution, former authorised payment institution, small payment institution or former small payment institution”;
- (c) in regulation 5(6)(e) for “an authorised person, former authorised person or former regulated person” substitute “an authorised payment institution, former authorised payment institution, small payment institution or former small payment institution”;
- (d) in regulation 8 after sub-paragraph (b) insert—
  - “(c) payment services directive information.”;

(1) [S.I. 2001/1420](#); a relevant amending instrument is [S.I. 2005/274](#).

(2) [S.I. 2001/2188](#); relevant amending instruments are [S.I. 2003/1473](#), [2005/3071](#), [2006/3413](#).

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Payment Services Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (e) in regulation 9—
  - (i) in paragraph (1) for “(3) and (3A)” substitute “(3), (3A) and (4)”; and
  - (ii) after paragraph (3B) insert—
    - “(4) Paragraph (1) does not permit disclosure to the persons specified in the first column in Part 5 of Schedule 1 unless the disclosure is of payment services directive information.”;
- (f) in regulation 11 after sub-paragraph (d) insert—
  - “(e) payment services directive information.”;
- (g) in the second column in Part 1 of Schedule 1, in the list of functions beside—
  - (i) “An official receiver appointed under section 399 of the Insolvency Act 1986, or an official receiver for Northern Ireland appointed under article 355 of the Insolvency (Northern Ireland) Order 1989”, after paragraph (ii) insert—
    - “or
    - (iii) payment service providers or former payment service providers”;
  - (ii) “The Department of Enterprise, Trade and Investment in Northern Ireland”, after paragraph (c)(ii) insert—
    - “or
    - (iii) payment service providers or former payment service providers”;
  - (iii) “The Pensions Regulator”, after paragraph (ii) insert—
    - “or
    - (iii) payment service providers or former payment service providers”;
  - (iv) “The Charity Commissioners for England and Wales”, after paragraph (ii) insert—
    - “or
    - (iii) payment service providers or former payment service providers”;
- (h) in Schedule 1, after Part 4 insert—

## “PART 5

<i>Person</i>	<i>Functions</i>
The Commissioners for Her Majesty’s Revenue and Customs	Their functions under the Money Laundering Regulations 2007”

### Commencement Information

**I2** Sch. 5 para. 10 comes into force in accordance with reg. 1(2)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Payment Services Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Regulations applied by [S.I. 2015/2038 reg. 26](#)
- Regulations applied (with modifications) by [S.I. 2011/245 Sch. 6 Pt. 1](#)
- Regulations functions modified by [S.I. 2013/161 art. 56\(1\)\(c\)\(ii\)](#)
- Regulations power to modify conferred by [2023 c. 29 s. 3 Sch. 1 Pt. 2](#)
- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)
- Regulations revoked in part by [S.I. 2017/752 Sch. 9](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 para. 19(a)(b) words substituted by [S.I. 2012/1741 Sch. para. 11](#)
- Sch. 5 para. 2(za) inserted by [S.I. 2013/472 Sch. 2 para. 155\(6\)\(b\)\(ii\)](#)
- Sch. 5 para. 3(ba) inserted by [S.I. 2013/472 Sch. 2 para. 155\(6\)\(c\)\(iii\)](#)
- Sch. 5 para. 3(c)(iiia) inserted by [S.I. 2013/472 Sch. 2 para. 155\(6\)\(c\)\(v\)](#)
- Sch. 5 para. 10(a)(iv) inserted by [S.I. 2015/1911 reg. 17\(3\)\(b\)](#)
- Sch. 5 para. 3(c)(i)(aa) omitted by [S.I. 2013/472 Sch. 2 para. 155\(6\)\(c\)\(iv\)](#)
- Sch. 5 para. 2(a)(b) and word substituted by [S.I. 2010/22 Sch. 3 para. 189\(c\)](#)
- Sch. 5 para. 3(d)(i)(aa) substituted by [S.I. 2013/472 Sch. 2 para. 155\(6\)\(c\)\(vi\)](#)
- Sch. 5 para. 3(d)(i)(bb) word substituted by [S.I. 2013/472 Sch. 2 para. 155\(6\)\(c\)\(vii\)](#)
- Sch. 5 para. 5(a)(iii)(bb) words substituted by [S.I. 2013/472 Sch. 2 para. 155\(6\)\(e\)\(iii\)](#)
- Sch. 7 inserted by [S.I. 2009/2475 reg. 13](#)
- reg. 10A inserted by [S.I. 2009/2475 reg. 3](#)
- reg. 13(4)(da) inserted by [S.I. 2009/1912 reg. 4](#)
- reg. 13(4)(da) substituted by [2010 c. 38 Sch. 1 para. 8\(b\)](#)
- reg. 13(4A)-(4D) inserted by [S.I. 2012/1791 reg. 3\(2\)](#)
- reg. 29(3)(a)(ii)(aa) words substituted by [S.I. 2017/692 Sch. 7 para. 24\(6\)\(a\)](#)
- reg. 52(e) inserted by [S.I. 2010/1010 reg. 97\(b\)](#)
- reg. 80A inserted by [S.I. 2015/1911 reg. 17\(2\)](#)
- reg. 92(2)-(5) substituted for reg. 92(2) by [S.I. 2013/429 reg. 2\(4\)](#)
- reg. 109A inserted by [S.I. 2015/422 reg. 2\(6\)](#)
- reg. 110(1)(d)-(i) substituted for reg. 110(1)(d)(e) by [S.I. 2009/2475 reg. 11](#)
- reg. 125A inserted by [S.I. 2012/1791 reg. 3\(5\)](#)
- reg. 125B inserted by [S.I. 2013/472 Sch. 2 para. 155\(5\)](#)
- reg. 127 inserted by [S.I. 2009/2475 reg. 12](#)