

SCHEDULE

Regulation 16

CONSEQUENTIAL AMENDMENTS

The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001

1.—(1) The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(1) is amended as follows.

- (2) In article 3(1), for the definition of “management company” substitute—
“management company” has the meaning given by Article 2.1(b) of the UCITS directive;”.
- (3) In article 83(4)(b), for “Article 5(3)” substitute “Article 6(3)”.
- (4) In article 84(1D)(b) for “Article 5(3)” substitute “Article 6(3)”.
- (5) In article 85(4)(b) for “Article 5(3)” substitute “Article 6(3)”.

The Financial Services and Markets Act 2000 (Promotion of Collective Investment Schemes) (Exemptions) Order 2001

2.—(1) The Financial Services and Markets Act 2000 (Promotion of Collective Investment Schemes)(Exemptions) Order 2001(2) is amended as follows.

- (2) In article 10A(3), for “Article 4” substitute “Article 5”.
- (3) In article 30, for the words “(notice indicating” to the end of the article, substitute “(notice indicating the existence of grounds for refusal of an application for authorisation)”.

The Electronic Commerce Directive (Financial Services and Markets) Regulations 2002

3.—(1) The Electronic Commerce Directive (Financial Services and Markets) Regulations 2002(3) are amended as follows.

- (2) In regulation 2(1)—
 - (a) in the definition of “UCITS Directive” for “Directive 85/611/EEC of the Council of the European Communities of 20 December 1985” substitute “Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009”;
 - (b) in the definition of “UCITS Directive Scheme” for “Article 4” substitute “Article 5”.

The Reporting of Savings Income Information Regulations 2003

4.—(1) The Reporting of Savings Income Information Regulations 2003(4) are amended as follows.

- (2) In regulation 2(1), in the definition of “the UCITS Directive”, for “Council Directive 85/611/EEC of 20th December 1985” substitute “Council Directive 2009/65/EC of 13th July 2009”.

The Financial Conglomerates and Other Financial Groups Regulations 2004

5.—(1) The Financial Conglomerates and Other Financial Groups Regulations 2004(5) are amended as follows.

- (2) In regulation 1(2), in paragraph (c) of the definition of “regulated entity”—

(1) S.I. 2001/544, amended by S.I. 2006/3384; there are other amending instruments but none are relevant.
(2) S.I. 2001/1060, amended by S.I. 2002/2157 and 2003/2067. There are other amending instruments but none are relevant.
(3) S.I. 2002/1775. There are amending instruments but none are relevant.
(4) S.I. 2003/3297. There are amending instruments but none are relevant.
(5) S.I. 2004/1862, amended by S.I. 2004/1862, 2006/3221, 2007/126.

Status: This is the original version (as it was originally made).

- (a) for “Article 1a(2)” substitute “Article 2.1(b)”, and
- (b) for “Article 5”, substitute “Article 6”.

The Montserrat Reporting of Savings Income Information Order 2005

6.—(1) The Montserrat Reporting of Savings Income Order 2005⁽⁶⁾ is amended as follows.

(2) In article 3(1), in the definition of “the European UCITS Directive”, for “Council Directive 85/611/EEC of 20th December 1985” substitute “Council Directive 2009/65/EC of 13th July 2009”.

The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005

7.—(1) The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005⁽⁷⁾ is amended as follows.

(2) In article 20B, for paragraph (3), substitute—

“(3) In this article, “UCITS directive scheme” means an undertaking for collective investment in transferable securities which is subject to Directive 2009/65/EC of the European Parliament and of the Council of 13th July 2009 on the co-ordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities and has been authorised in accordance with Article 5 of that Directive.”

(3) In Schedule 1, in paragraph 21(4)(b), for “Article 5(3)” substitute “Article 6(3)”.

The Financial Services and Markets Act 2000 (Controllers) (Exemption) Order 2009

8.—(1) The Financial Services and Markets Act 2000 (Controllers) (Exemption) Order 2009⁽⁸⁾ is amended as follows.

(2) In article 2, in paragraph (c) of the definition of “relevant UK authorised person”, for “Article 1a.2” substitute “Article 2.1(b)”.

⁽⁶⁾ S.I. 2005/1466.

⁽⁷⁾ S.I. 2005/1529. Article 20B was inserted by S.I. 2002/2157.

⁽⁸⁾ S.I. 2009/774.