

## SCHEDULE

article 28

### PART 1

#### Amendments of other Acts of Parliament

##### Companies Act 1985

1. In Schedule 15D to the Companies Act 1985 (disclosures) <sup>M1</sup>—
  - (a) in paragraph 17, omit paragraph (b);
  - (b) in paragraph 28, after paragraph (a), insert—

“(aa) the Consumer Credit Act 1974;”.

##### Marginal Citations

**M1** 1985 c.6. Schedule 15D was inserted by the [Companies \(Audit, Investigations and Community Enterprise\) Act 2004 \(c.27\)](#), [Schedule 2, paragraphs 16](#) and 25, and amended by the Financial Services Act 2012, Schedule 18, paragraph 47. There are other amending instruments but none is relevant to this Order

##### Courts and Legal Services Act 1990

- 2.—(1) The Courts and Legal Services Act 1990 <sup>M2</sup> is amended as follows.
  - (2) In section 105(10) (tying-in arrangements: supplemental provisions) <sup>M3</sup>, for “OFT” substitute “FCA”.
  - (3) In section 107 (tying-in: enforcement) <sup>M4</sup>—
    - (a) for “OFT” in each place substitute “FCA”;
    - (b) after subsection (16) insert—

“(17) The functions of the FCA under this section are to be treated for the purposes of the Financial Services and Markets Act 2000 as functions conferred on the FCA by or under that Act.”.
  - (4) In section 119(1) (interpretation) <sup>M5</sup>—
    - (a) after the definition of “designated judge” insert—

““the FCA” means the Financial Conduct Authority;”;
    - (b) omit the definition of “the OFT”.

##### Marginal Citations

**M2** 1990 c.41.

**M3** Amended by the Enterprise Act 2002, Schedule 25, paragraph 23(1) and (7).

**M4** Amended by the Enterprise Act 2002, Schedule 25, paragraph 23(1) and (8). There are other amending instruments but none is relevant to this Order.

**M5** There are amending instruments but none is relevant to this Order.

**Status:** Point in time view as at 31/03/2014.

**Changes to legislation:** The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, SCHEDULE is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### Agriculture and Forestry (Financial Provisions) Act 1991

3. In section 1 of the Agriculture and Forestry (Financial Provisions) Act 1991 (the Agriculture Mortgage Corporation and Scottish Agriculture Securities Corporation)<sup>M6</sup>, subsection (7) is omitted.

#### Marginal Citations

**M6** 1991 c.33.

### Tribunals and Inquiries Act 1992

4. In Part 1 of Schedule 1 to the Tribunals and Inquiries Act 1992 (Tribunals under direct supervision of Council)<sup>M7</sup>, omit the entry for “fair trading”.

#### Marginal Citations

**M7** 1992 c.53. Paragraph 17 substituted by the Enterprise Act 2002, Schedule 25, paragraph 27(1), (4)(b).

### Railways Act 1993

5. In section 145(2) of the Railways Act 1993 (general restrictions on disclosure of information)<sup>M8</sup>, in paragraph (c), after “Financial Services and Markets Act 2000” insert “, by or under the Consumer Credit Act 1974 ”.

#### Marginal Citations

**M8** 1993 c.43. Amended by S.I. 2001/3649 and the Financial Services Act 2012, Schedule 18, paragraph 77(2). There are other amending instruments but none is relevant to this Order.

### Teaching and Higher Education Act 1998

6. In section 22(9) of the Teaching and Higher Education Act 1998 (new arrangements for giving financial support to students)<sup>M9</sup>, in so far as that provision remains in force, for the words from “for the purposes of any exemption” to the end of the subsection, substitute “ by article 60G(3)(d) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 ”.

#### Marginal Citations

**M9** 1998 c.30. Subsection (9) was repealed for certain purposes by the Education Act 2011 (c.21), section 76.

### Criminal Justice and Police Act 2001

7. In Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001<sup>M10</sup>(powers to which section 50 applies), omit paragraph 18A<sup>M11</sup>.

#### Marginal Citations

**M10** 2001 c.16.

**M11** Inserted by the Consumer Credit Act 2006, section 51.

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## Proceeds of Crime Act 2002

8. In Schedule 4 to the Proceeds of Crime Act 2002 (lifestyle offences: Scotland) <sup>M12</sup>, omit paragraph 9B and the heading immediately before it <sup>M13</sup>.

### Marginal Citations

**M12** 2002 c.29.

**M13** Inserted by S.I. 2011/231.

## Income Tax (Earnings and Pensions) Act 2003

9. In section 554O (exclusions: employee car ownership schemes) of the Income Tax (Earnings and Pensions) Act 2003 <sup>M14</sup>—

- (a) in subsection (1)(a)(i), for “a licensed lender” substitute “an authorised lender”;
- (b) in subsection (5), for the definition of “licensed lender” substitute—  
““authorised lender” means a person who—
  - (a) has permission under Part 4A of the Financial Services and Markets Act 2000 to enter into, or to exercise or have the right to exercise rights and duties under, a contract of the kind mentioned in paragraph 23 of Schedule 2 to that Act, and
  - (b) is not acting as a trustee.”;
- (c) after subsection (5) insert—  
“(6) The definition of “authorised lender” must be read with—
  - (a) section 22 of the 2000 Act,
  - (b) any relevant order under that section, and
  - (c) Schedule 2 to that Act.”.

### Marginal Citations

**M14** 2003 c.1. Section 554O was inserted by the Finance Act 2011 (c.11), Schedule 2.

## Consumer Credit Act 2006

10. In the Consumer Credit Act 2006—

- (a) omit sections 2(3), 3, 4, 5(1), (2)(b), (3), (4), (10), 22(1) to (3), 24(2) to (4), 25(2), (3), 26, 27(1), (2), 28 to 50, 51(1), (3), (4), (7), 52 to 54, 59, 60, 61(1) to (3) and (5) to (10), 62, 65;
- (b) omit Schedule 2;
- (c) omit paragraphs 18 to 25 of Schedule 3.

## Companies Act 2006

11. In the Companies Act 2006 <sup>M15</sup>—

- (a) in Part 2 of Schedule 2 (specified descriptions of disclosure), in section (A) (United Kingdom) <sup>M16</sup>, in paragraph 25, omit paragraph (b);
- (b) in Part 2 of Schedule 11A (specified descriptions of disclosures for the purposes of section 1224A) <sup>M17</sup>, in paragraph 39, omit paragraph (b).

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#### Marginal Citations

**M15** 2006 c.46.

**M16** Substituted by [S.I. 2009/1208](#). Amended by the Financial Services Act 2012, Schedule 18, paragraph 123(3). There are other amending instruments but none is relevant to this Order.

**M17** Inserted by [S.I. 2007/3494](#). Amended by the Financial Services Act 2012, Schedule 18, paragraph 124(3). There are other amending instruments but none is relevant to this Order.

### Income Tax Act 2007

**12.** In section 564B (meaning of “financial institution”) of the Income Tax Act 2007 <sup>M18</sup>—

(a) in subsection (1) for paragraph (d) substitute—

“(d) a person with permission under Part 4A of the Financial Services and Markets Act 2000 to enter into, or to exercise or have the right to exercise rights and duties under, a contract of the kind mentioned in paragraph 23 or paragraph 23B of Schedule 2 to that Act (credit agreements and contracts for hire of goods);”;

(b) after subsection (1) insert—

“(1A) Subsection (1)(d) must be read with—

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

#### Marginal Citations

**M18** 2007 c.3. Section 564B inserted by the [Taxation \(International and Other Provisions\) Act 2010 \(c.8\), Schedule 2, paragraphs 1 and 3](#), and amended by the [Finance Act 2012 \(c.14\), Schedule 16, paragraphs 132 and 133](#).

### Legal Services Act 2007

**13.** In section 195(2) of the Legal Services Act 2007 (application of the Legal Profession and Legal Aid (Scotland) Act 2007) <sup>M19</sup>, omit paragraph (a).

#### Marginal Citations

**M19** 2007 c.29. There are amending instruments but none is relevant to this Order.

### Sale of Student Loans Act 2008

**14.** In section 8 of the Sale of Student Loans Act 2008 (consumer credit) <sup>M20</sup>—

(a) after subsection (1) insert—

“(1A) The Financial Services and Markets Act 2000 does not regulate loans made in accordance with those regulations.”;

(b) in subsection (2), for “This section” substitute “ Subsection (1) ”.

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#### Marginal Citations

M20 2008 c.10.

### Counter-Terrorism Act 2008

15.—(1) Schedule 7 to the Counter-Terrorism Act 2008 (terrorist financing and money laundering)<sup>M21</sup> is amended as follows.

(2) In Part 5 (enforcement: information powers)—

(a) in paragraph 18—

(i) at the end of paragraph (b) of sub-paragraph (1) omit “or”;

(ii) omit paragraph (c) of sub-paragraph (1);

(iii) in sub-paragraph (2), omit paragraph (c);

(b) in paragraphs 18(3)(b), 23(1)(b) and 24 for “OFT” in each place substitute “ FCA ”.

(3) In Part 6 (enforcement: civil penalties), in paragraphs 27(1) and 28(1) in each place omit “or the OFT”.

(4) In Part 7 (enforcement: offences), in paragraph 33—

(a) omit paragraph (c) of sub-paragraph (1);

(b) omit paragraph (c) of sub-paragraph (2).

(5) In Part 8 (supplementary and general)—

(a) in paragraph 39(2)—

(i) in paragraph (a)(ii) omit “and consumer credit financial institutions”;

(ii) omit paragraph (b);

(b) in paragraph 45(1), omit the definition of “consumer credit financial institution”;

(c) in paragraph 46, omit the entry for “consumer credit financial institution”.

#### Marginal Citations

M21 2008 c.28. Amended by the Financial Services Act 2012, Schedule 18, paragraph 127. There are other amending instruments but none is relevant to this Order.

### Corporation Tax Act 2009

16. In section 502 of the Corporation Tax Act 2009 (meaning of “financial institution”)<sup>M22</sup>—

(a) for subsection (1)(d), substitute—

“(d) a person with permission under Part 4A of the Financial Services and Markets Act 2000 to enter into, or to exercise or have the right to exercise rights and duties under, a contract of the kind mentioned in paragraph 23 or paragraph 23B of Schedule 2 to that Act (credit agreements and contracts for hire of goods);”;

(b) after subsection (1) insert—

“(1A) Subsection (1)(d) must be read with—

(a) section 22 of the Financial Services and Markets Act 2000,

(b) any relevant order under that section, and

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(c) Schedule 2 to that Act.”.

**Marginal Citations**

**M22** 2009 c.4. There are amending instruments but none is relevant to this Order.

**Energy Act 2011**

17.—(1) The Energy Act 2011 <sup>M23</sup> is amended as follows.

(2) In section 20 (power to modify energy supply licences to make provision as to consumer protection), for subsection (5) substitute—

“(5) For the purpose of this section, references to the disappplied consumer protection legislation are to—

- (a) the provisions of or made under the Consumer Credit Act 1974 or the Financial Services and Markets Act 2000 (“the 2000 Act”), and
- (b) any rules made under the 2000 Act,

which would apply but for any exemption conferred by an order under section 22 of the 2000 Act (regulated activities) in relation to debts due under a green deal plan associated with the licensee.

(6) A green deal plan is associated with a licensee if the payments under the plan are to be made to the licensee.”.

(3) Omit sections 25 and 26 (exemptions from Consumer Credit Act 1974).

(4) In section 30 (power to amend Consumer Credit Act 1974)—

- (a) in subsection (1), after “Consumer Credit Act 1974” insert “, the Financial Services and Markets Act 2000 and any statutory instrument made under that Act ”;
- (b) in subsection (2)(a), for “Office of Fair Trading” substitute “ Financial Conduct Authority ”.

**Marginal Citations**

**M23** 2011 c.16.

**PART 2**

Amendments of secondary legislation etc.

**The Estate Agents (Specified Offences) (No. 2) Order 1991**

18. In the Schedule to the Estate Agents (Specified Offences) (No 2) Order 1991 (specified offences) <sup>M24</sup>, in the entry relating to the 1974 Act, omit the references to section 7, section 39(1), (2) and (3) and section 167(2).

**Marginal Citations**

**M24** S.I.1991/1091. Amended by the Enterprise Act 2002, section 2. There are other amending instruments but none is relevant to this Order.

**Status:** Point in time view as at 31/03/2014.

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## The Education (Student Loans) Regulations (Northern Ireland) 1998

19. In paragraph 1 of Schedule 2 to the Education (Student Loans) Regulations (Northern Ireland) 1998<sup>M25</sup>, for the definition of “APR” substitute—

““APR” means the annual percentage rate of charge calculated under rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order;”.

### Marginal Citations

M25 S.R. 1998/58.

## The Education (Student Loans) Regulations 1998

20. In paragraph 1 of Schedule 2 to the Education (Student Loans) Regulations 1998<sup>M26</sup>, for the definition of “APR” substitute—

““APR” means the annual percentage rate of charge calculated under rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order;”.

### Marginal Citations

M26 S.I. 1998/211. Amended by S.I. 2010/1010. There are other amending instruments but none is relevant to this Order.

## The Education (Student Support) (Northern Ireland) Order 1998

21. In article 3(9) of the Education (Student Support) (Northern Ireland) Order 1998<sup>M27</sup>, for the words from “for the purposes of any exemption” to the end of the subsection, substitute “ by article 60G(3)(d) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 ”.

### Marginal Citations

M27 S.R. 1998/1760.

## The Representation of the People (England and Wales) Regulations 2001

22. In regulation 114 of the Representation of the People (England and Wales) Regulations 2001 (sale of full register to credit reference agencies)<sup>M28</sup>—

- (a) in paragraph (1), for “a credit reference agency which is registered under Part III of the Consumer Credit Act 1974 (by virtue of section 147 of that Act)” substitute “ a person who has permission under the Financial Services and Markets Act 2000 to furnish persons with information relevant to the financial standing of other persons ”;
- (b) after paragraph (5) insert—
  - “(6) Paragraph (1) must be read with—
    - (a) section 22 of the Financial Services and Markets Act 2000,

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- (b) any relevant order under that section, and
- (c) Schedule 2 to that Act.”.

#### Marginal Citations

**M28** [S.I. 2001/341](#). Amended by [S.I. 2002/1871](#). There are other amending instruments but none is relevant to this Order.

### The Representation of the People (Scotland) Regulations 2001

**23.** In regulation 113 of the Representation of the People (Scotland) Regulations 2001 (sale of full register to credit reference agencies) <sup>M29</sup>—

- (a) in paragraph (1), for “a credit reference agency registered under Part III of the Consumer Credit Act 1974 (by virtue of section 147 of that Act)” substitute “ a person who has permission under the Financial Services and Markets Act 2000 to furnish persons with information relevant to the financial standing of other persons ”;
- (b) after paragraph (5) insert—
  - “(6) Paragraph (1) must be read with—
    - (a) section 22 of the Financial Services and Markets Act 2000,
    - (b) any relevant order under that section, and
    - (c) Schedule 2 to that Act.”.

#### Marginal Citations

**M29** [S.I. 2001/497](#). Amended by [S.I. 2002/1872](#). There are other amending instruments but none is relevant to this Order.

### The Education (Student Support) Regulations (Northern Ireland) 2002

**24.** In regulation 40 of the Education (Student Support) Regulations (Northern Ireland) 2002 (interest) <sup>M30</sup>—

- (a) in paragraph (1) for “the Consumer Credit (Total Charge for Credit) Regulations 1980” substitute “ rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order ”;
- (b) in paragraph (2), for “for the purposes of any exemption conferred by virtue of section 16(5)(b) of the Consumer Credit Act 1974” substitute “ by article 60G(3)(d) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 ”.

#### Marginal Citations

**M30** [S.I. 2002/224](#).

### The High Court Enforcement Officers Regulations 2004

**25.** In regulation 5 of the High Court Enforcement Officers Regulations 2004 (application procedure) <sup>M31</sup>—

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- (a) in paragraph (3)(b), for paragraph (ii) substitute—
- “(ii) any permission that the applicant has under the Financial Services and Markets Act 2000 which relates to or is connected with a contract of the kind mentioned in paragraph 23 or paragraph 23B of Schedule 2 to that Act (credit agreements and contracts for hire of goods);”;
- (b) after paragraph (6) insert—
- “(7) Paragraph (ii) of paragraph (3)(b) must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000,
- (b) any relevant order under that section, and
- (c) Schedule 2 to that Act.”.

**Marginal Citations**

M31 S.I. 2004/400.

**The Financial Services (Distance Marketing) Regulations 2004**

26. In the Financial Services (Distance Marketing) Regulations 2004<sup>M32</sup>—
- (a) in regulation 2(1) (interpretation), in the definition of “regulated consumer credit agreement” for “regulated by the 1974 Act” substitute “ which is a regulated agreement (within the meaning given by section 189 of the 1974 Act) ”;
- (b) in regulation 11 (exceptions to the right to cancel), for paragraph (1)(h) substitute—
- “(h) a regulated consumer credit agreement to which the right of withdrawal applies under section 66A of the 1974 Act;”.

**Marginal Citations**

M32 S.I. 2004/2095. Amended by S.I. 2010/1010. There are other amending instruments but none is relevant to this Order.

**The Gender Recognition (Disclosure of Information) (England, Wales and Northern Ireland) (No 2) Order 2005**

27. In article 6(3) of the Gender Recognition (Disclosure of Information) (England, Wales and Northern Ireland) (No 2) Order 2005 (credit reference agencies)<sup>M33</sup>, for “has the meaning given in” substitute “ is to be read in accordance with ”.

**Marginal Citations**

M33 S.I. 2005/916.

**The Gender Recognition (Disclosure of Information) (Scotland) Order 2005**

28. In article 6(3) of the Gender Recognition (Disclosure of Information) (Scotland) Order 2005 (credit reference agencies)<sup>M34</sup>, for “has the meaning given in” substitute “ is to be read in accordance with ”.

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**Marginal Citations**

**M34** [S.S.I. 2005/125](#).

**The Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006**

**29.** In regulation 11 of the Education (Student Loans for Tuition Fees) (Scotland) Regulations 2006 (interest) <sup>M35</sup>—

- (a) in paragraph (1) for “the Consumer Credit (Total Charge for Credit) Regulations 2010” substitute “ rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order ”;
- (b) in paragraph (2), for “for the purposes of any exemption conferred by virtue of section 16(5)(b) of the Consumer Credit Act 1974” substitute “ by article 60G(3)(d) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 ”.

**Marginal Citations**

**M35** [S.S.I. 2006/333](#). Amended by [S.S.I. 2009/189](#) and [S.I. 2010/1010](#).

**The Education (Student Loans) (Scotland) Regulations 2007**

**30.** In regulation 14 of the Education (Student Loans) (Scotland) Regulations 2007 (interest) <sup>M36</sup>—

- (a) in paragraph (1) for “the Consumer Credit (Total Charge for Credit) Regulations 2010” substitute “ rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order ”;
- (b) in paragraph (2), for “for the purposes of any exemption conferred by virtue of section 16(5)(b) of the Consumer Credit Act 1974” substitute “ by article 60G(3)(d) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 ”.

**Marginal Citations**

**M36** [S.S.I. 2007/154](#). Amended by [S.S.I. 2009/189](#) and [S.I. 2010/1010](#).

**The Money Laundering Regulations 2007**

**31.—**(1) The Money Laundering Regulations 2007 <sup>M37</sup> are amended as follows.

- (2) In regulation 2(1) (interpretation), omit the definitions of “the OFT” and “consumer credit financial institution”.
- (3) In regulation 17(2) (reliance), omit sub-paragraph (aa).
- (4) In regulation 22 (interpretation)—
  - (a) in paragraph (1)—
    - (i) in the definition of “Annex 1 financial institution”, omit sub-paragraph (a);
    - (ii) omit the definition of “consumer credit financial institution”;

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- (b) omit paragraph (2).
- (5) In regulation 23(supervisory authorities)—
  - (a) in paragraph (1)—
    - (i) at the end of sub-paragraph (a)(i) insert “ but not excluded money service businesses ”;
    - (ii) omit sub-paragraph (b);
  - (b) after paragraph (4), insert—

“(5) For the purposes of this regulation, a money service business is an “excluded money service business” if it is an authorised person who has permission under the 2000 Act which relates to or is connected with a contract of the kind mentioned in paragraph 23 or paragraph 23B of Schedule 2 to that Act (credit agreements and contracts for hire of goods) but does not have permission to carry on any other kind of regulated activity.
  - (6) Paragraph (5) must be read with—
    - (a) section 22 of the 2000 Act,
    - (b) any relevant order under that section, and
    - (c) Schedule 2 to that Act.”.
- (6) In regulation 32 (power to maintain registers), omit paragraph (3).
- (7) In regulation 34 (applications for and cancellation of registration in a register maintained under regulation 32)—
  - (a) in paragraph (2), in the first place the words appear, and in paragraphs (7) and (8), omit “or the OFT”;
  - (b) in paragraph (3), omit “and the OFT”;
  - (c) omit, in each place the words appear, “or the OFT, as the case may be,” and “or the OFT, as the case may be”.
- (8) In regulation 35 (costs of supervision)—
  - (a) in paragraphs (1) and (2), omit “, the OFT”;
  - (b) in paragraph (5), for “OFT” in each place substitute “ Authority ”.
- (9) In regulation 36 (interpretation)—
  - (a) in the definition of “designated authority”—
    - (i) at the end of paragraph (a), insert “ and ”;
    - (ii) omit the “and” at the end of paragraph (b) and paragraph (c);
  - (b) in the definition of “officer”—
    - (i) at the end of paragraph (b) insert “ or ”;
    - (ii) omit paragraph (c);
  - (c) in the definition of “relevant officer”, in paragraph (b), for “OFT” substitute “ Authority ”.
- (10) In regulation 40(1)(b) (failure to comply with information requirement), for “OFT” substitute “ Authority ”.
- (11) In regulation 41 (powers of relevant officers), for “OFT” in each place substitute “ Authority ”.
- (12) In regulation 42 (power to impose civil penalties), in each of paragraphs (6) and (7), omit “, the OFT”.
- (13) In regulation 44 (appeals)—

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- (a) in paragraph (1)(b), omit “, the OFT”;
- (b) in paragraph (2), omit sub-paragraph (c);
- (c) omit paragraph (7).
- (14) In regulation 46 (prosecution of offences)—
  - (a) in paragraph (1), omit sub-paragraph (b);
  - (b) omit paragraphs (4) and (5);
  - (c) in paragraph (6), for “OFT” in each place substitute “ Authority ”.
- (15) In regulation 49(1) (obligations on public authorities), omit sub-paragraph (h).

#### Marginal Citations

**M37** [S.I. 2007/2157](#). Amended by [S.I. 2012/2298](#). There are other amending instruments but none is relevant to this Order.

### Transitional provision in relation to the Money Laundering Regulations 2007

**32.**—(1) This paragraph makes transitional provisions in connection with the amendments made to the Money Laundering Regulations 2007 (“the Regulations”).

(2) Anything done by or in relation to the OFT under regulation 27 (applications for registration) or regulation 34 (applications for and cancellation of registration in a register maintained under regulation 32) <sup>M38</sup> is, to the extent necessary for the effective operation of the Regulations, to be treated as having been done by or in relation to the FCA.

(3) Any charges which were, immediately before 1st April 2014, due to the OFT under regulation 35 (costs of supervision) are due to the FCA.

(4) Anything done by or in relation to the OFT under Part 5 of the Regulations (enforcement) is, to the extent necessary for the effective operation of the Regulations, to be treated as having been done by or in relation to the FCA.

#### Modifications etc. (not altering text)

**C1** Sch. para. 32 excluded (31.3.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(5), **Sch. 3 paras. 3-7** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

#### Marginal Citations

**M38** Amended by [S.I. 2012/2298](#).

### The Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007

**33.** In article 2 of the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007 (list of tribunals) <sup>M39</sup>, omit the entry beginning “The Office of Fair Trading”.

#### Marginal Citations

**M39** [S.I. 2007/2951](#).

**Status:** Point in time view as at 31/03/2014.

**Changes to legislation:** The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, SCHEDULE is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## The Graduate Endowment (Scotland) Regulations 2008

34. In regulation 11 of the Graduate Endowment (Scotland) Regulations 2008 (interest) <sup>M40</sup>—
- (a) in paragraph (1) for “the Consumer Credit (Total Charge for Credit) Regulations 2010” substitute “ rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order ”;
  - (b) in paragraph (2), for “for the purposes of any exemption conferred by virtue of section 16(5)(b) of the Consumer Credit Act 1974” substitute “ by article 60G(3)(d) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 ”.

### Marginal Citations

**M40** S.S.I. 2008/235. Amended by S.I. 2010/1010.

## The Supply of Information (Register of Deaths) (England and Wales) Order 2008

35. In the Schedule to the Supply of Information (Register of Deaths) (England and Wales) Order 2008 <sup>M41</sup>, for paragraph 11 substitute—

- “11.—(1) A person with permission under the Financial Services and Markets Act 2000 to carry on a regulated activity—
- (a) in relation to or in connection with a contract of the kind mentioned in paragraph 23 or paragraph 23B of Schedule 2 to that Act (credit agreements and contracts for hire of goods) <sup>M42</sup>, or
  - (b) of the kind mentioned in paragraph 24B (providing credit reference services) or 24C (providing credit information services) of that Schedule <sup>M43</sup>.
- (2) Sub-paragraph (1) must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000,
  - (b) any relevant order under that section, and
  - (c) Schedule 2 to that Act.”.

### Marginal Citations

**M41** S.I. 2008/570.

**M42** Paragraph 23 was substituted and paragraph 23B was inserted by the Financial Services Act 2012, section 7.

**M43** Paragraphs 24B and 24C were inserted by the Financial Services Act 2012, section 7.

## The Supply of Information (Register of Deaths) (Northern Ireland) Order 2008

36. In the Schedule to the Supply of Information (Register of Deaths) (Northern Ireland) Order 2008 <sup>M44</sup>, for paragraph 12 substitute—

- “12.—(1) A person with permission under the Financial Services and Markets Act 2000 to carry on a regulated activity—

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- (a) in relation to or in connection with a contract of the kind mentioned in paragraph 23 or paragraph 23B of Schedule 2 to that Act (credit agreements and contracts for hire of goods), or
  - (b) of the kind mentioned in paragraph 24B (providing credit reference services) or 24C (providing credit information services).
- (2) Sub-paragraph (1) must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000,
  - (b) any relevant order under that section, and
  - (c) Schedule 2 to that Act.”.

**Marginal Citations**

**M44** [S.I. 2008/700](#).

**The Representation of the People (Northern Ireland) Regulations 2008**

**37.** In regulation 112 of the Representation of the People (Northern Ireland) Regulations 2008 (sale of full register etc. to credit reference agencies) <sup>M45</sup>—

- (a) in paragraph (1), for “a credit reference agency registered under Part III of the Consumer Credit Act 1974” substitute “ a person who has permission under the Financial Services and Markets Act 2000 to furnish persons with information relevant to the financial standing of other persons ”;
- (b) after paragraph (4) insert—
  - “(5) Paragraph (1) must be read with—
    - (a) section 22 of the Financial Services and Markets Act 2000,
    - (b) any relevant order under that section, and
    - (c) Schedule 2 to that Act.”.

**Marginal Citations**

**M45** [S.I. 2008/1741](#).

**The Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008**

**38.** In the Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008 <sup>M46</sup>—

- (a) in regulation 2(1), after the definition of “related credit agreement” insert—
  - ““regulated agreement” has the meaning given by section 189 of the 1974 Act;”;
- (b) in regulation 6—
  - (i) in paragraph (1)(ca)—
    - (aa) for “regulated under the 1974 Act”, substitute “ which is a regulated agreement ”;
    - (bb) for “that Act” substitute “ the 1974 Act ”;
    - (cc) for paragraph (2)(d)(ii) and (iii) substitute—

**Status:** Point in time view as at 31/03/2014.

**Changes to legislation:** *The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, SCHEDULE is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- “(ii) a consumer credit agreement secured on land which is—
  - (aa) a regulated agreement;
  - (bb) an exempt agreement (within the meaning given by article 60B of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001); or
- (iii) any other regulated agreement.”.

**Marginal Citations**

**M46** [S.I. 2008/1816](#). Amended by [S.I. 2010/1010](#).

**The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009**

**39.** In regulation 16 of the Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (interest rate on the loans) <sup>M47</sup>—

- (a) in paragraph (1) for “the Consumer Credit (Total Charge for Credit) Regulations 1980” substitute “ rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order ”;
- (b) in paragraph (2), for “for the purposes of any exemption conferred by virtue of section 16(5)(b) of the Consumer Credit Act 1974” substitute “ by article 60G(3)(d) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 ”.

**Marginal Citations**

**M47** [S.R. 2009/128](#).

**The Payment Services Regulations 2009**

**40.** <sup>M48</sup>In the Payment Services Regulations 2009 —

- (a) omit regulation 26 (carrying on of Consumer Credit Act business by EEA authorised payment institutions);

<sup>F1</sup>(b) .....

**Textual Amendments**

**F1** Sch. para. 40(b) omitted (14.2.2014 for specified purposes, 31.3.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2014 \(S.I. 2014/366\)](#), arts. 1(3A), **19(4)**

**Marginal Citations**

**M48** [S.I. 2009/209](#).

**The Education (Student Loans) (Repayment) Regulations 2009**

**41.—**(1) The Education (Student Loans) (Repayment) Regulations 2009 <sup>M49</sup> are amended as follows.

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- (2) In regulation 21 (interest rate on the loans) <sup>M50</sup>—
- (a) in paragraph (1) for “the Consumer Credit (Total Charge for Credit) Regulations 2010” substitute “ rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order ”;
- (b) in paragraph (2), for “for the purposes of any exemption conferred by virtue of section 16(5)(b) of the Consumer Credit Act 1974” substitute “ by article 60G(3)(d) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 ”.
- (3) In regulation 21A (interest rate on post-2012 student loans) <sup>M51</sup>—
- (a) for “the Consumer Credit (Total Charge for Credit) Regulations 2010” in each place substitute “ total charge for credit rules ”;
- (b) after paragraph (14) insert—
- “(15) In this regulation, “total charge for credit rules” means rules made by the Financial Conduct Authority under article 60M of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 for the purposes of Chapter 14A of Part 2 of that Order.”.

#### Marginal Citations

**M49** [S.I. 2009/470](#).

**M50** Amended by [S.I. 2010/1010](#) and [S.I. 2012/1309](#).

**M51** Inserted by [S.I. 2012/1309](#). Amended by [S.I. 2013/607](#).

### The Electronic Money Regulations 2011

**42.** In the Electronic Money Regulations 2011 <sup>M52</sup>, omit regulation 31 (carrying on of Consumer Credit Act business by an authorised electronic money institution).

#### Marginal Citations

**M52** [S.I. 2011/99](#).

### The Debt Arrangement Scheme (Scotland) Regulations 2011

**43.** In Schedule 4 to the Debt Arrangement Scheme (Scotland) Regulations 2011 (payment distributors) <sup>M53</sup>—

- (a) for paragraph 1 substitute—

“**1.**—(1) A person with permission under the Financial Services and Markets Act 2000 to carry on a regulated activity—

- (a) in relation to or in connection with a contract of the kind mentioned in paragraph 23 or paragraph 23B of Schedule 2 to that Act (credit agreements and contracts for hire of goods), or
- (b) of the kind mentioned in paragraph 24B (providing credit reference services) or 24C (providing credit information services) of that Schedule.

- (2) Sub-paragraph (1) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000,

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- (b) any relevant order under that section, and
- (c) Schedule 2 to that Act.”;

(b) for paragraph 5, substitute—

“5. Make and maintain appropriate arrangements to ensure compliance with rules made by the Financial Conduct Authority and to ensure that appropriate regard is had to guidance issued by the Financial Conduct Authority.”.

**Marginal Citations**

**M53** [S.S.I.2011/141](#).

**The Green Deal Framework (Disclosure, Acknowledgement, Redress etc.) Regulations 2012**

**44.** In the Green Deal Framework (Disclosure, Acknowledgement, Redress etc.) Regulations 2012 <sup>M54</sup>—

(a) in regulation 2 (interpretation – general)—

(i) in paragraph (1)—

(aa) omit the definition of “consumer credit licence”;

(bb) insert at the appropriate place—

““consumer credit permission” means permission under the Financial Services and Markets Act 2000 to carry on a regulated activity in relation to or in connection with a contract of the kind mentioned in paragraph 23 of Schedule 2 to that Act (credit agreements);”;

(ii) after paragraph (1) insert—

“(1A) The definition of “consumer credit permission” must be read with—

(a) section 22 of the Financial Services and Markets Act 2000,

(b) any relevant order under that section, and

(c) Schedule 2 to that Act.”;

(b) in regulation 25 (notifications concerning consumer credit), for paragraphs (a) and (b) substitute—

“(a) it ceases to hold a consumer credit permission, or

(b) it becomes a person who, by virtue of section 19 of the Financial Services and Markets Act 2000, is required to have a consumer credit permission.”;

(c) in regulation 52(3)(a) (no sanctions without receipt of complaints or information), for “Office of Fair Trading” substitute “ Financial Conduct Authority ”;

(d) in paragraph 24 of Schedule 1 (registers), for sub-paragraphs (a) and (b) substitute—

“(a) whether the person has a consumer credit permission and the activities for which he has permission, or

(b) where the person is not required to have a consumer credit permission, an entry on the register to that effect.”.

**Marginal Citations**

**M54** [S.I. 2012/2079](#).

**Status:** Point in time view as at 31/03/2014.

**Changes to legislation:** The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, SCHEDULE is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### **The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013**

**45.** In paragraph 11 of Schedule 6 to the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (deductions from benefit and direct payment to third parties) <sup>M55</sup>—

- (a) in sub-paragraph (8), in the definition of “eligible lender”, for “is licensed under the Consumer Credit Act 1974” substitute “ has permission under the Financial Services and Markets Act 2000 to enter into a contract of the kind mentioned in paragraph 23 or paragraph 23B of Schedule 2 to that Act (credit agreements and contracts for hire of goods); ”;
- (b) after sub-paragraph (8) insert—
  - “(9) The definition of “eligible lender” must be read with—
    - (a) section 22 of the Financial Services and Markets Act 2000,
    - (b) any relevant order under that section, and
    - (c) Schedule 2 to that Act.”.

#### **Marginal Citations**

**M55** [S.I. 2013/380](#).

## **PART 3**

### Amendments of other legislation

#### **The Housing (Scotland) Act 2006**

**46.** In section 75(5) of the Housing (Scotland) Act 2006 (determination of applications) <sup>M56</sup>, in the definition of “commercial lender”—

- (a) in paragraph (a), for “to provide credit” substitute “ to enter into a contract of the kind mentioned in paragraph 23 or paragraph 23B of Schedule 2 to that Act (credit agreements and contracts for hire of goods), or ”;
- (b) in paragraph (b), for “or” substitute “ and ”;
- (c) omit paragraph (c).

#### **Marginal Citations**

**M56** [2006 asp 1](#). Amended by the Financial Services Act 2012, Schedule 18, paragraph 140.

**Status:**

Point in time view as at 31/03/2014.

**Changes to legislation:**

The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, SCHEDULE is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.