

**Status:** Point in time view as at 01/04/2014.

**Changes to legislation:** The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, PART 1 is up to date with all changes known to be in force on or before 22 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)

## SCHEDULE

### 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.

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### 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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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.

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