

## SCHEDULES

### SCHEDULE 1

Regulation 2(a)

#### Amendments to Title 1: General provisions

1. After Article 1 insert—

*“Article 1A*

*Performance of obligations dependent on Member State information*

1. This Article applies where, in the view of the competent authority of the United Kingdom, performance of an obligation under this Regulation by an institution in the United Kingdom is wholly or partly dependent on information held by an institution or authority in a Member State.

2. The institution in the United Kingdom must take all reasonable steps to obtain the information from the institution or authority in the Member State.

3. If the institution in the United Kingdom complies with the duty in paragraph 2 but is unable to obtain the information and the institution considers that the claimant could provide the information, it must inform the claimant that it has been unable to obtain the information and ask the claimant:

- (a) to take reasonable steps to obtain the information from the institution or authority in the Member State; or
- (b) where it is not possible for the claimant to obtain the information from the institution or authority in the Member State, to provide such relevant information or evidence as the claimant has.

4. The institution in the United Kingdom is not required to perform the obligation if complies with the duty in paragraphs 2 or 3 but is unable to obtain the information and:

- (a) the claimant does not provide it within a reasonable time; or
- (b) the claimant does provide it but the institution is of the view that the information is not accurate or is incomplete.”

2. Omit Article 2(1).

3. In Article 3 for “Member State” in each place it occurs substitute “State”.

4. In Article 4(2)—

- (a) in paragraphs 1, 2, 3 and 6 for “Member State” in each place it occurs substitute “State”;
- (b) in paragraph 5 omit “104,”;
- (c) in paragraph 8 for “Member States” substitute “States”;

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(1) Article 2(1) was substituted by [Regulation 1290/97](#) and was subsequently substituted by Regulation (EC) No 631/2004 of the European Parliament and of the Council of 31 March 2004 (“[Regulation No 631/2004](#)”).

(2) Article 4(11) was revoked by Regulation (EC) No 647/2005 of the European Parliament and of the Council of 13 April 2005 (“[Regulation No 647/2005](#)”).

**Status:** *This is the original version (as it was originally made).*

(d) in paragraph 10(b) for “89(1), 91(2), 102(2), 109, 110, 113(2)” substitute “91(2), 109, 113”.