

SCHEDULE 10

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

PRIMARY LEGISLATION

Judicial Factors Act 1849 (c. 51)

1. Section 5(1) of the Judicial Factors Act 1849(1) (factor to lodge monies in one bank) shall have effect as if the reference to an institution authorised under the Banking Act included a reference to a European deposit-taker.

Bankers' Books Evidence Act 1879 (c. 11)

2. Section 9(1) of the Bankers' Books Evidence Act 1879(2) (meaning of “bank” etc.) shall have effect as if the reference to an institution authorised under the Banking Act included a reference to a European deposit-taker.

Agricultural Credits Act 1928 (c. 43)

3. Section 5(7) of the Agricultural Credits Act 1928(3) (meaning of “bank” etc.) shall have effect as if the reference to an institution authorised under the Banking Act included a reference to a European deposit-taker.

Agricultural Credits (Scotland) Act 1929 (c. 13)

4. Section 9(2) of the Agricultural Credits (Scotland) Act 1929(4) (meaning of “bank” etc.) shall have effect as if the reference to an institution authorised under the Banking Act included a reference to a European deposit-taker.

Superannuation Act 1972 (c. 11)

5. Sections 1, 9 and 10 of the Superannuation Act 1972(5) (superannuation of civil servants etc.) shall each have effect as if the reference in subsection (2A) to any authorised provider included a reference to any European institution acting in the course of home-regulated investment business carried on by it in the United Kingdom.

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- (1) Section 5(1) has been amended by section 7(a) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55), and by section 74(1) of, and paragraph 21(1)(a) of Schedule 8 to, the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40).
- (2) Section 9 was substituted by the Banking Act 1979 (c. 37), and subsection (1)(a) was substituted by section 108(1) of, and paragraph 1 of Schedule 6 to, the Banking Act 1987 (c. 22).
- (3) Relevant amendments to section 5(7) have been made by section 51(1) of, and paragraphs 2 and 14 of Schedule 6 to, the Banking Act 1979 (c. 37), and by section 108(1) of, and paragraph 2(1) of Schedule 6 to, the Banking Act 1987 (c. 22).
- (4) Relevant amendments to section 9(2) have been made by section 51(1) of, and paragraphs 3 and 15 of Schedule 6 to, the Banking Act 1979 (c. 37), and by section 108(1) of, and paragraph 3(1) of Schedule 6 to, the Banking Act 1987 (c. 22).
- (5) Sections 1(2A), 9(2A) and 10(2A) were inserted by sections 8(1), 8(3) and 8(5) respectively of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7); other amendments not relevant to these Regulations were also made to sections 1, 9 and 10 of the Superannuation Act 1972 (c. 11) by the Pensions (Miscellaneous Provisions) Act 1990.

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Superannuation (Northern Ireland) Order 1972 (S.I.1972/1073 (N.I. 10))

6. Articles 3, 11 and 12 of the Superannuation (Northern Ireland) Order 1972 (superannuation of civil servants etc.) shall have effect as if the reference in paragraph (1A) or, as the case may be, paragraph (2A) to any authorised provider included a reference to any European institution acting in the course of home-regulated investment business carried on by it in the United Kingdom.

Consumer Credit Act 1974 (c. 39)

7. Section 16(1)(h) of the Consumer Credit Act 1974(6) (exclusion of authorised institution's agreements from Act) shall have effect as if the reference to an institution authorised under the Banking Act included a reference to a European deposit-taker.

Solicitors Act 1974 (c. 47)

8.—(1) Section 23(2) of the Solicitors Act 1974(7) (unqualified person not to prepare papers for probate etc.) shall have effect as if the reference to an institution authorised by the Bank, under the Banking Act, to carry on a deposit-taking business included a reference to a European deposit-taker.

(2) Section 87(1) of that Act(8) (interpretation) shall have effect as if the reference to an institution authorised under the Banking Act included a reference to a European deposit-taker.

Credit Unions Act 1979 (c. 34)

9. Section 31(1) of the Credit Unions Act 1979(9) (interpretation) shall have effect as if the reference to an institution authorised under the Banking Act included a reference to a European deposit-taker.

Crown Agents Act 1979 (c. 43)

10. Section 8(5) of the Crown Agents Act 1979(10) (pre-funding of agency activities) shall have effect as if the reference to an institution authorised under the Banking Act included a reference to a European deposit-taker.

Solicitors (Scotland) Act 1980 (c. 46)

11. Section 35(2) of the Solicitors (Scotland) Act 1980(11) (accounts rules) shall have effect as if the reference to an institution authorised under the Banking Act included a reference to a European deposit-taker.

British Telecommunications Act 1981 (c. 38)

12. Section 67(4) of the British Telecommunications Act 1981(12) (general classes of acts not infringing postal privilege) shall have effect as if the reference to an institution authorised under the Banking Act included a reference to a European deposit-taker.

(6) Section 16(1)(h) was inserted by section 88(2) of the Banking Act 1987 (c. 22), and a definition of “authorised institution” was inserted in section 189(1) by section 88(4) of the Banking Act 1987.

(7) Section 23(2) was substituted by section 54(1) of the Courts and Legal Services Act 1990 (c. 54).

(8) Section 87(1) has been amended by section 108(1) of, and paragraph 5 of Schedule 6 to, the Banking Act 1987 (c. 22).

(9) Section 31(1) has been amended by section 108 of, and paragraph 7(2) of Schedule 6, and Part I of Schedule 7 to, the Banking Act 1987 (c. 22).

(10) Section 8(5) has been amended by section 108(1) of, and paragraph 8 of Schedule 6 to, the Banking Act 1987 (c. 22).

(11) Relevant amendments to section 35(2) have been made by section 108 of, and paragraph 9 of Schedule 6 and Part I of Schedule 7 to, the Banking Act 1987 (c. 22).

(12) Section 67(4) has been amended by section 108(1) of, and paragraph 10 of Schedule 6 to, the Banking Act 1987 (c. 22).

Housing (Northern Ireland) Order 1981 (S.I. 1981/156 (N.I.3))

13. In Schedule 10 to the Housing (Northern Ireland) Order 1981(**13**), paragraph 4(b) shall have effect as if the reference to institutions authorised under the Banking Act included a reference to European deposit-takers.

Duchy of Cornwall Management Act 1982 (c. 47)

14. Section 6(4) of the Duchy of Cornwall Management Act 1982(**14**) (banking) shall have effect as if the reference to an institution authorised under the Banking Act included a reference to a European deposit-taker.

Data Protection Act 1984 (c. 35)

15. Section 30 of the Data Protection Act 1984 (exemption for regulation of financial services etc.) shall have effect as if—

- (a) the reference in subsection (1) to prejudicing the proper discharge of statutory functions to which that section applies included a reference to contravening article 12 of the First Council Directive(**15**); and
- (b) the reference in subsection (2) to any enactment included a reference to these Regulations.

Companies Act 1985 (c. 6)

16. Section 446 of the Companies Act 1985(**16**) (investigation of share dealings) shall have effect as if the references in subsection (4)(c) to (e) to an authorised person within the meaning of the Financial Services Act included a reference to a European institution carrying on home-regulated investment business in the United Kingdom.

Company Securities (Insider Dealing) Act 1985 (c. 8)

17. Section 13 of the Company Securities (Insider Dealing) Act 1985(**17**) (definition of “offmarket dealer” etc.) shall have effect as if the reference in subsection (3) to an authorised person within the meaning of the Financial Services Act included a reference to a European institution carrying on home-regulated investment business in the United Kingdom.

Bankruptcy (Scotland) Act 1985 (c. 66)

18. Section 73(1) of the Bankruptcy (Scotland) Act 1985(**18**) (interpretation) shall have effect as if the reference to an institution authorised under the Banking Act included a reference to a European deposit-taker.

(13) Schedule 10 has been amended by section 108(1) of, and paragraph 12 of Schedule 6 to, the Banking Act 1987 (c. 22).

(14) Section 6(4) has been amended by section 108(1) of, and paragraph 14(b) of Schedule 6 to, the Banking Act 1987 (c. 22).

(15) Council Directive No. 77/780/EEC (OJ No. L322, 17.12.77, p.30); article 12 was substituted by Council Directive No. 89/646/EEC (OJ No. L386, 30.12.89, p.1.), article 16.

(16) Section 446(4) was substituted by section 212 of, and paragraph 21 of Schedule 16 to, the Financial Services Act 1986 (c. 60).

(17) Section 13(3) was substituted by section 174(4)(b) of the Financial Services Act 1986 (c. 60).

(18) Section 73(1) has been amended by section 108(1) of, and paragraph 20 of Schedule 6 to, the Banking Act 1987 (c. 22).

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Housing Act 1985 (c. 68)

19. Section 622 of the Housing Act 1985(**19**) (minor definitions: general) shall have effect as if the reference to an institution authorised under the Banking Act included a reference to a European deposit-taker.

Housing Associations Act 1985 (c. 69)

20. Section 106(1) of the Housing Associations Act 1985(**20**) (minor definitions: general) shall have effect as if the reference to an institution authorised under the Banking Act included a reference to a European deposit-taker.

Credit Unions (Northern Ireland) Order 1985 (S.I. 1985/1205 (N.I.12))

21. Article 2(2) of the Credit Unions (Northern Ireland) Order 1985(**21**) (interpretation) shall have effect as if the reference in the definition of “authorised bank” to an institution authorised under the Banking Act included a reference to a European deposit-taker.

Building Societies Act 1986 (c. 53)

22. In the Building Societies Act—

- (a) section 7(4)(**22**) (power to raise funds and borrow money);
- (b) section 25(5)(**23**) (the Investor Protection Fund);
- (c) section 98(3)(**24**) (transfers of business: supplementary provisions); and
- (d) in Part IV of Schedule 8 (powers to provide services), paragraph 7(**25**) (interpretation),

shall each have effect as if the reference to an authorised institution for the purposes of, or an institution authorised under, the Banking Act included a reference to a European deposit-taker.

Financial Services Act 1986 (c. 60)

23. In Part I of Schedule 5 to the Financial Services Act (listed money market institutions), paragraph 2(2)(**26**) shall have effect as if the reference to an authorised institution within the meaning of the Banking Act included a reference to a European deposit-taker.

Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I.6))

24. Article 439 of Companies (Northern Ireland) Order 1986(**27**) (investigation of share dealings) shall have effect as if the references in paragraph (4)(c) to (e) to an authorised person within the meaning of the Financial Services Act included a reference to a European institution carrying on home-regulated investment business in the United Kingdom.

(19) Section 622 has been amended by section 108(1) of, and paragraph 21 of Schedule 6 to, the Banking Act 1987 (c. 22).

(20) Section 106(1) has been amended by section 108(1) of, and paragraph 22 of Schedule 6 to, the Banking Act 1987 (c. 22).

(21) Article 2(2) has been amended by section 108(1) of, and paragraph 23(1) of Schedule 6 to, the Banking Act 1987 (c. 22).

(22) Section 7(4) has been amended by S.I. 1987/1670.

(23) Section 25(5) has been amended by section 108 of, and paragraph 26(2) of Schedule 6 and Part I of Schedule 7 to, the Banking Act 1987 (c. 22).

(24) Section 98(3) has been amended by section 108(1) of, and paragraph 26(6) of Schedule 6 to, the Banking Act 1987 (c. 22).

(25) Schedule 8 was substituted by S.I. 1988/1141 and subsequently amended by S.I. 1989/839.

(26) Paragraph 2(2) has been amended by section 108(1) of, and paragraph 27(6) of Schedule 6 to, the Banking Act 1987 (c. 22).

(27) Article 439 has been amended by paragraph 38 of Schedule 16 to the Financial Services Act 1986 (c. 60).

Company Securities (Insider Dealing) (Northern Ireland) Order 1986 (S.I. 1986/1034 (N.I.8))

25. Article 7 of Company Securities (Insider Dealing) (Northern Ireland) Order 1986⁽²⁸⁾ (definition of “off-market dealer” etc.) shall have effect as if the reference in paragraph (3) to an authorised person within the meaning of the Financial Services Act included a reference to a European institution carrying on home-regulated investment business in the United Kingdom.

Housing (Scotland) Act 1987 (c. 26)

26. Section 338(1) of the Housing (Scotland) Act 1987 (minor definitions: general) shall have effect as if the reference in the definition of “bank” to an institution authorised under the Banking Act included a reference to a European deposit-taker.

Consumer Protection Act 1987 (c. 43)

27. Section 22 of the Consumer Protection Act 1987 (application to provision of services and facilities) shall have effect as if it included provision that references in Part III of that Act to services or facilities shall not include references to services or facilities which are provided by a European institution in the course of carrying on home-regulated investment business in the United Kingdom.

Consumer Protection (Northern Ireland) Order 1987 (S.I. 1987/2049 (N.I. 20))

28. Article 15 of the Consumer Protection (Northern Ireland) Order 1987 (application to provision of services and facilities) shall have effect as if it included provision that references in Part III of that Order to services or facilities shall not include references to services or facilities which are provided by a European institution in the course of carrying on home-regulated investment business in the United Kingdom.

Companies Act 1989 (c. 40)

29. Section 176 of the Companies Act 1989 (power to make provision about certain charges) shall have effect as if the reference in subsection (2) to an authorised person within the meaning of the Financial Services Act included a reference to a European institution carrying on home-regulated investment business in the United Kingdom.

Local Government and Housing Act 1989 (c. 42)

30. Section 43(2) of the Local Government and Housing Act 1989 (borrowing powers) shall have effect as if the reference to an authorised institution within the meaning of the Banking Act included a reference to a European deposit-taker.

Courts and Legal Services Act 1990 (c. 41)

31. In the Courts and Legal Services Act 1990—

- (a) section 37(8) (authorisation of practitioners);
- (b) section 48(4) (investigations on behalf of Board); and
- (c) section 52(6) (Board’s intervention powers: supplemental provisions),

shall each have effect as if the reference to an institution which is authorised by the Bank under Part I of the Banking Act to carry on a deposit-taking business included a reference to a European deposit-taker.

⁽²⁸⁾ Article 7(1) to (3) was substituted by Article 27 of the Companies (Northern Ireland) Order 1989 (S.I. 1989/2404 (N.I.18)).

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Companies (No.2) (Northern Ireland) Order 1990 (S.I. 1990/1504 (N.I.10))

32. Article 98 of the Companies (No.2) (Northern Ireland) Order 1990 (power to make provision about certain charges) shall have effect as if the reference in paragraph (2) to an authorised person within the meaning of the Financial Services Act included a reference to a European institution carrying on home-regulated investment business in the United Kingdom.

Charities Act 1992 (c. 41)

33. Section 18(8) of the Charities Act 1992 (dormant bank accounts of charities) shall have effect as if the reference to an institution which is authorised by the Bank to operate a deposit-taking business under the Banking Act included a reference to a European deposit-taker.