

SCHEDULE 8

Regulation 68.

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

PRIMARY LEGISLATION

Judicial Pensions Act (Northern Ireland) 1951 (c. 20 (N.I.))

1.—(1) Section 11A(2) of the Judicial Pensions Act (Northern Ireland) 1951(1) (voluntary contributions) shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company which is lawfully carrying on insurance business, or providing insurance, in the United Kingdom.

(2) In Schedule 2A to the Judicial Pensions Act (Northern Ireland) 1951(2) (transfer of accrued benefits), paragraph 1 shall have effect as if the reference to an insurance company authorised under section 3 or 4 of the 1982 Act (or any similar previous enactment) to carry on ordinary long term insurance business included a reference to an EC company which is lawfully carrying on ordinary long term insurance business, or providing ordinary long term insurance, in the United Kingdom.

County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))

2.—(1) Section 127A(2) of the County Courts Act (Northern Ireland) 1959(3) (voluntary contributions) shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company which is lawfully carrying on insurance business, or providing insurance, in the United Kingdom.

(2) In Schedule 2A to the County Courts Act (Northern Ireland) 1959(4) (transfer of accrued benefits), paragraph 1 shall have effect as if the reference to an insurance company authorised under section 3 or 4 of the 1982 Act (or any similar previous enactment) to carry on ordinary long term insurance business included a reference to an EC company which is lawfully carrying on ordinary long term insurance business, or providing ordinary long term insurance, in the United Kingdom.

Resident Magistrates' Pensions Act (Northern Ireland) 1960 (c. 2 (N.I.))

3.—(1) Section 9A(2) of the Resident Magistrates' Pensions Act (Northern Ireland) 1960(5) (voluntary contributions) shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company which is lawfully carrying on insurance business, or providing insurance, in the United Kingdom.

(2) In Schedule 3 to the Resident Magistrates' Pensions Act (Northern Ireland) 1960(6) (transfer of accrued benefits), paragraph 1 shall have effect as if the reference to an insurance company authorised under section 3 or 4 of the 1982 Act (or any similar previous enactment) to carry on

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- (1) Section 11A was inserted by the Judicial Pensions (Northern Ireland) Order 1991 (S.I. 1991/2630 (N.I.24)), Article 6.
 - (2) Schedule 2A was inserted by the Judicial Pensions (Northern Ireland) Order 1991 (S.I. 1991/2630 (N.I.24)), Article 5 and Schedule 2.
 - (3) Section 127A was inserted by the Judicial Pensions (Northern Ireland) Order 1991 (S.I. 1991/2630 (N.I.24)), Article 6.
 - (4) Schedule 2A was inserted by the Judicial Pensions (Northern Ireland) Order 1991 (S.I. 1991/2630 (N.I.24)), Article 5 and Schedule 2.
 - (5) Section 9A was inserted by the Judicial Pensions (Northern Ireland) Order 1991 (S.I. 1991/2630 (N.I.24)), Article 6.
 - (6) Schedule 3 was inserted by the Judicial Pensions (Northern Ireland) Order 1991 (S.I. 1991/2630 (N.I.24)), Article 5 and Schedule 2.

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ordinary long term insurance business included a reference to an EC company which is lawfully carrying on ordinary long term insurance business, or providing ordinary long term insurance, in the United Kingdom.

Solicitors Act 1974 (c. 47)

4. 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 insurance company authorised under section 3 or 4 of the 1982 Act included a reference to an EC company lawfully carrying on insurance business in the United Kingdom.

Policyholders Protection Act 1975 (c. 75)

5.—(1) Section 3(2) of the Policyholders Protection Act 1975(8) (authorised insurance companies) shall have effect as if the reference to being authorised under section 3 or 4 of the Insurance Companies Act 1982 to carry on insurance business of any class in the United Kingdom included a reference to being an EC company which is lawfully carrying on insurance business of any class in the United Kingdom.

(2) After subsection (2) of section 21 of that Act (levies on authorised insurance companies)insert—

“(2A) The Board may, with the consent of the Secretary of State, waive (in whole or in part) any levy imposed under subsection (1) or (2) above on an EC company if it considers it appropriate to do so, having regard to the extent to which provision is made for the indemnification of qualifying policyholders—

- (a) under the law of the member State in which the head office of the EC company is situated; or
- (b) by virtue of any arrangements which are in force in that State.

(2B) In subsection (2A) above—

‘EC company’ has the same meaning as in the Insurance Companies Act 1982;

‘qualifying policyholder’ means a policyholder who is eligible for the assistance or protection of the Board in accordance with any provision of sections 6 to 16 above.”

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

6. In Schedule 10 to the Housing (Northern Ireland) Order 1981 (institutions recognised for purposes of Article 153), paragraph 5 shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company which is lawfully carrying on insurance business, or providing insurance, in the United Kingdom.

Judicial Pensions Act 1981 (c. 20)

7.—(1) Section 33A(2) of the Judicial Pensions Act 1981(9) (voluntary contributions) shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company which is lawfully carrying on insurance business, or providing insurance, in the United Kingdom.

(7) Section 23 was substituted by the Courts and Legal Services Act 1990 (c. 41), section 54.

(8) Section 3(2) has been amended by the Insurance Companies Act 1980 (c. 25), section 4 and Schedules 3 and 5, the Insurance Companies Act 1981 (c. 31), section 36 and Schedule 4 and the Insurance Companies Act 1982 (c. 50), section 99(2) and Schedule 5.

(9) Section 33A was inserted by the Courts and Legal Services Act 1990 (c. 41), section 82(1).

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(2) In Schedule 1A to the Judicial Pensions Act 1981(**10**) (transfer of accrued benefits), paragraph 1 shall have effect as if the reference to an insurance company authorised under section 3 or 4 of the 1982 Act (or any similar previous enactment) to carry on ordinary long term insurance business included a reference to an EC company which is lawfully carrying on ordinary long term insurance business, or providing ordinary long term insurance, in the United Kingdom.

Data Protection Act 1984 (c. 35)

8. Section 30 of the Data Protection Act 1984 (exemption for regulation of financial services etc.) shall have effect as if the reference in subsection (1) to prejudicing the proper discharge of statutory functions to which that section applies included a reference to contravening—

- (a) Article 16 of Council Directive [92/49/EEC](#) of 18 June 1992; or
- (b) Article 15 of Council Directive [92/96/EEC](#) of 10 November 1992.

Companies Act 1985 (c. 6)

9.—(1) The following provisions of the Companies Act 1985, namely—

- (a) section 246(4)(**11**) (exemptions for small and medium-sized companies);
- (b) section 248(2)(**12**) (exemptions for small and medium-sized groups); and
- (c) section 450(1)(**13**) (punishment for destroying, mutilating etc. company documents),

shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company lawfully carrying on insurance business in the United Kingdom.

(2) In subsection (1) of section 449 of the Companies Act 1985 (provision for security of information obtained), in paragraph (cc)(**14**), for the words “under section 44” substitute the words “or appointed under section 43A or 44”.

(3) In subsection (3) of section 451A of that Act(**15**) (disclosure of information by Secretary of State or inspector), in paragraph (b), for the words “under section 44” substitute the words “or appointed under section 43A or 44”.

(4) In subsection (3) of section 452 of that Act(**16**) (privileged information), for the words “section 44(2) to (4)” substitute the words “section 43A or 44(2) to (4)”.

(5) In subsection (1) of section 460 of that Act (order on application of Secretary of State), for the words “section 44(2) to (6)” substitute the words “section 43A or 44(2) to (6)”.

(6) In the case of an EC company, section 720 of that Act (certain companies to publish periodical statement) does not apply if the company complies with provisions of law of its home State as to the accounts and balance sheet to be prepared annually and deposited with the supervisory authority in that State by such a company.

(10) Schedule 1A was inserted by the Courts and Legal Services Act 1990 (c. 41), section 81 and Schedule 23.

(11) Section 246 was inserted by the Companies Act 1989 (c. 40), section 13(1).

(12) Section 248 was inserted by the Companies Act 1989 (c. 40), section 13(3).

(13) Section 450(1) was amended by the Companies Act 1989 (c. 40), section 66.

(14) Paragraph (cc) of section 449(1) was inserted by the Companies Act 1989 (c. 40), section 65.

(15) Section 451A was inserted by the Financial Services Act 1986 (c. 60), section 182 and Schedule 13, para 10 and amended by the Companies Act 1989 (c. 40), section 68.

(16) Section 452 was amended by the Companies Act 1989 (c. 40), section 69.

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Housing Act 1985 (c. 68)

10. Section 622 of the Housing Act 1985 (minor definitions: general) shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company which is lawfully carrying on insurance business, or providing insurance, in the United Kingdom.

Housing Associations Act 1985 (c. 69)

11. Section 106(1) of the Housing Associations Act 1985 (minor definitions: general) shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company which is lawfully carrying on insurance business, or providing insurance, in the United Kingdom.

Financial Services Act 1986 (c. 60)

12. Section 134 of the Financial Services Act 1986 (which is superseded by regulations 50 and 52 above) shall cease to have effect.

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

13.—(1) The following provisions of the Companies (Northern Ireland) Order 1986, namely—

- (a) Article 254(4)(**17**) (exemptions for small and medium-sized companies);
- (b) Article 256(2)(**18**) (exemption for small and medium-sized groups); and
- (c) Article 443(1)(**19**) (punishment for destroying, mutilating etc. company documents),

shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company which is lawfully carrying on insurance business in the United Kingdom.

(2) In paragraphs (1)(cc) and (3)(c) of Article 442 of that Order(**20**) (provision for security of information obtained), for the words “under section 44” substitute the words “or appointed under section 43A or 44”.

(3) In paragraph (3)(b) of Article 444A of that Order(**21**) (disclosure of information by Department or inspector), for the words “under section 44” substitute the words “or appointed under section 43A or 44”.

(4) In paragraph (3) of Article 445 of that Order(**22**) (privileged information), for the words “section 42(2) to (4)” substitute the words “section 43A or 44(2) to (4)”.

(5) In paragraph (1)(a) of Article 453 of that Order (order on application of Department), for the words “section 42(2) to (6)” substitute the words “section 43A or 44(2) to (6)”.

(6) In the case of an EC company, Article 669 of that Order (certain companies to publish periodical statement) does not apply if the company complies with provisions of law of its home State as to the accounts and balance sheet to be prepared annually and deposited with the supervisory authority in that State by such a company.

(17) Article 254 was substituted by the Companies (Northern Ireland) Order 1990 (S.I. 1990/593 (N.I.5)), Article 15(1).

(18) Article 256 was substituted by the Companies (Northern Ireland) Order 1990 (S.I. 1990/593 (N.I.5)), Article 15(3).

(19) Article 443 was amended by the Companies (No. 2) (Northern Ireland) Order 1990 (S.I. 1990/1504 (N.I.10)), Article 14.

(20) Article 442 was amended by the Companies (No. 2) (Northern Ireland) Order 1990 (S.I. 1990/1504 (N.I.10)), Article 13.

(21) Article 444A was substituted by the Companies (No. 2) (Northern Ireland) Order 1990 (S.I. 1990/1504 (N.I.10)), Article 16.

(22) Article 445 was amended by the Companies (No. 2) (Northern Ireland) Order 1990 (S.I. 1990/1504 (N.I.10)), Article 17.

Banking Act 1987 (c. 22)

14.—(1) In subsection (1) of section 84 of the Banking Act 1987(**23**) (disclosure for facilitating discharge of functions by other supervisory authorities), in entry No.4 in the Table, for the words “authorised by the Secretary of State under section 44” substitute the words “appointed or authorised by the Secretary of State under section 43A or 44”.

(2) In Schedule 2 to the Banking Act 1987 (exempted persons), paragraph 8 shall have effect as if the reference to an institution which is for the time being authorised under section 3 or 4 of the 1982 Act to carry on insurance business of a class specified in Schedule 1 or 2 to that Act included a reference to an EC company which is lawfully carrying on insurance business, or providing insurance, in the United Kingdom.

Housing (Scotland) Act 1987 (c. 26)

15. Section 338 of the Housing (Scotland) Act 1987 (interpretation) shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company which is lawfully carrying on insurance business, or providing insurance, in the United Kingdom.

Criminal Justice Act 1987 (c. 38)

16. In subsection (6) of section 3 of the Criminal Justice Act 1987 (disclosure of information), in paragraph (k), for the words “section 44(2)” substitute the words “section 43A or 44(2)”.

Criminal Justice (Scotland) Act 1987 (c. 41)

17. In subsection (5) of section 54 of the Criminal Justice (Scotland) Act 1987 (disclosure of information), in paragraph (l), for the words “section 44(2)” substitute the words “section 43A or 44(2)”.

Companies Act 1989 (c. 40)

18. In subsection (4) of section 87 of the Companies Act 1989 (exceptions from restrictions on disclosure), in the third entry in the Table, for the words “under section 44” substitute the words “or appointed under section 43A or 44”.

Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40)

19. Subsection (2) of section 19 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (executory services by recognised financial institutions) shall have effect as if the reference to an insurance company which is authorised under section 3 or 4 of the 1982 Act included a reference to an EC company which is lawfully carrying on insurance business in the United Kingdom.

Courts and Legal Services Act 1990 (c. 41)

- 20.** The following provisions of the Courts and Legal Services Act 1990, namely—
- (a) section 37(8) (authorisation of practitioners); and
 - (b) section 48(4) (investigations on behalf of the Board),

(23) Subsection (1) was amended by [S.I. 1987/1292](#), Article 2 and [S.I. 1992/3218](#), reg 39(1).

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shall have effect as if the reference to an insurance company which is authorised under section 3 or 4 of the 1982 Act included a reference to an EC company which is lawfully carrying on insurance business in the United Kingdom.

Northern Ireland (Emergency Provisions) Act 1991 (c. 24)

21. In paragraph 6(2)(k) of Schedule 5 to the Northern Ireland (Emergency Provisions) Act 1991 (restriction on disclosure of information), for the words “section 44(2)” substitute the words “section 43A or 44(2)”.

Judicial Pensions and Retirement Act 1993 (c. 8)

22.—(1) Section 10(4) of the Judicial Pensions and Retirement Act 1993 (additional benefits from voluntary contributions) shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company which is lawfully carrying on insurance business, or providing insurance, in the United Kingdom.

(2) In Schedule 2 to the Judicial Pensions and Retirement Act 1993 (transfer of accrued benefits), paragraph 1 shall have effect as if the reference to an insurance company authorised under section 3 or 4 of the 1982 Act (or any similar previous enactment) to carry on ordinary long term insurance business included a reference to an EC company which is lawfully carrying on ordinary long term insurance business, or providing ordinary long term insurance, in the United Kingdom.

PART II

SUBORDINATE LEGISLATION

Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (S.I. 1975/1023)

23.—(1) In Part III of Schedule 1 to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (regulated occupations), paragraph 3 shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company lawfully carrying on insurance business in the United Kingdom.

(2) In Part IV of that Schedule (interpretation), the definition of “insurance company” shall have effect as if the reference to section 7 of the 1982 Act were a reference to sections 96C and 96D of that Act.

British Railways Board (Winding up of Closed Pension Funds) Order 1978 (S.I. 1978/1358)

24. Article 1 of the British Railways Board (Winding up of Closed Pension Funds) Order 1978 (commencement, citation and interpretation) shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies and which is authorised by or under section 3 or 4 of that Act to carry on ordinary long term insurance business included a reference to an EC company which is lawfully carrying on ordinary long term insurance business, or providing ordinary long term insurance, in the United Kingdom.

Rehabilitation of Offenders Act 1974 (Exceptions) Order (Northern Ireland) 1979 (S.R. 1979/195)

25. In Part III of Schedule 1 to the Rehabilitation of Offenders Act 1974 (Exceptions) Order (Northern Ireland) 1979 (regulated occupations), paragraph 2 shall have effect as if the reference

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to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company lawfully carrying on insurance business in the United Kingdom.

Mortgage Indemnities (Recognised Bodies) Order 1984 (S.I. 1984/1555)

26. Schedule 2 to the Mortgage Indemnities (Recognised Bodies) Order 1984 shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company which is lawfully carrying on insurance business, or providing insurance, in the United Kingdom.

Building Societies (Mobile Home Loans) Order 1986 (S.I. 1986/1877)

27. Article 2 of the Building Societies (Mobile Home Loans) Order 1986 (interpretation) shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company which is lawfully carrying on insurance business, or providing insurance, in the United Kingdom.

Local Authorities (Recognised Bodies for Heritable Securities Indemnities)M (Scotland) Order 1987 (S.I. 1987/1388 (S.104))

28. In Schedule 2 to the Local Authorities (Recognised Bodies for Heritable Securities Indemnities) (Scotland) Order 1987 (classes or descriptions of bodies designated for the purposes of section 31 of the Tenants' Rights, etc.(Scotland) Act 1980), paragraph 1 shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company which is lawfully carrying on insurance business, or providing insurance, in the United Kingdom.

Housing Corporation (Recognised Bodies for Heritable Securities Indemnities) (Scotland) Order 1987 (S.I. 1987/1389 (S.105))

29. In Schedule 2 to the Housing Corporation (Recognised Bodies for Heritable Securities Indemnities) (Scotland) Order 1987 (classes or descriptions of bodies designated for the purposes of section 86 of the Housing Associations Act 1985), paragraph 1 shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies included a reference to an EC company which is lawfully carrying on insurance business, or providing insurance, in the United Kingdom.

Local Government Superannuation (Scotland) Regulations 1987 (S.I.1987/1850 (S.128))

30. In Schedule 7A to the Local Government Superannuation (Scotland) Regulations 1987(**24**) (additional voluntary contributions), paragraph 11 shall have effect as if the reference to a person authorised under section 3 or 4 of the 1982 Act to carry on long term business and acting through a branch or agency in the United Kingdom included a reference to an EC company which is lawfully carrying on long term insurance business, or providing long term insurance, in the United Kingdom.

Banking Act 1987 (Advertisements) Regulations 1988 (S.I. 1988/645)

31. Regulation 2(3) of the Banking Act 1987 (Advertisements) Regulations 1988 (application of regulations) shall have effect as if the reference to a body authorised under section 3 or 4 of the 1982 Act to carry on insurance business of a class specified in Schedule 1 or 2 to that Act included

(24) Schedule 7A was inserted by S.I. 1989/802 (S.80), reg 43 and Schedule 1.

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a reference to an EC company which is lawfully carrying on insurance business, or providing insurance, in the United Kingdom.

Insurance Companies (Transfer of Long Term Business) Regulations 1990 (S.I. 1990/1207)

32. The Insurance Companies (Transfer of Long Term Business) Regulations 1990 (which are superseded by regulation 28 above) shall cease to have effect.

Teachers' Superannuation (Additional Voluntary Contributions) (Scotland) Regulations 1992 (S.I.1992/2649)

33. Regulation 9 of the Teachers' Superannuation (Additional Voluntary Contributions) (Scotland) Regulations 1992 (investment of contributions) shall have effect as if the reference to a body authorised under section 3 or 4 of the 1982 Act to carry on long term business included a reference to an EC company which is lawfully carrying on ordinary long term insurance business, or providing ordinary long term insurance, in the United Kingdom.

Insurance Companies (Amendment) Regulations 1992 (S.I. 1992/2890)

34. In the Insurance Companies (Amendment) Regulations 1992, regulation 10 (which is superseded by regulation 64 above) shall cease to have effect.

Local Government (Superannuation) Regulations (Northern Ireland) 1992 (S.R. 1992/547)

35. In Schedule 6 to the Local Government (Superannuation) Regulations (Northern Ireland) 1992 (further additional contributions), paragraph 10 shall have effect as if the reference to a person authorised under section 3 or 4 of the 1982 Act to carry on long term business and acting through a branch or agency in the United Kingdom included a reference to an EC company which is lawfully carrying on long term business, or providing long term insurance, in the United Kingdom.

Money Laundering Regulations 1993 (S.I. 1993/1933)

36. In regulation 16(6) of the Money Laundering Regulations 1993 (persons subject to duty to report evidence of money laundering), after paragraph (f) insert—

“(fa) a person appointed under section 43A of the Insurance Companies Act 1982;”.

Parliamentary Pensions (Additional Voluntary Contributions Scheme) Regulations 1993 (S.I.1993/3252)

37. The following provisions of the Parliamentary Pensions (Additional Voluntary Contributions Scheme) Regulations 1993, namely—

- (a) regulation 6(2) (investment of contributions); and
- (b) regulation 9(2) (purchase of pensions),

shall have effect as if the reference to an insurance company to which Part II of the 1982 Act applies and which is authorised under section 3 or 4 of that Act to carry on ordinary long term insurance business included a reference to an EC company which is lawfully carrying on ordinary long term insurance business in the United Kingdom.