
STATUTORY INSTRUMENTS

2001 No. 3649

**The Financial Services and Markets Act 2000
(Consequential Amendments and Repeals) Order 2001**

PART 9

AMENDMENTS TO SECONDARY LEGISLATION

The Personal Pension Schemes (Compensation) Regulations 1988 (S.I. 1988/2238)

Interpretation of the 1988 Regulations

393.—(1) In paragraph (2) of regulation 1 of the Personal Pension Scheme (Compensation) Regulations 1988 (citation, commencement and interpretation), the following definitions are revoked—

- (i) “the Banking Act”,
- (ii) “the Building Societies Act”,
- (iii) “the Financial Services Act”,
- (iv) “the Financial Services Compensation Rules”,
- (v) “the Friendly Societies Protection Scheme”, and
- (vi) “the Policyholders Protection Act”.

(2) In paragraph (2) of that regulation, after the definition of “the Appropriate Schemes Regulations” insert—

““authorised insurer” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act to effect and carry out contracts of insurance, or
- (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance in the United Kingdom;

“authorised deposit taker” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act to accept deposits, or
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to accept deposits;

“the Financial Services and Markets Act” means the Financial Services and Markets Act 2000;

“the Financial Services Compensation Scheme” has the same meaning as in section 213(2) of the Financial Services and Markets Act;”.

(3) In that regulation, after paragraph (2) insert—

“(3) In paragraph (2), the definitions of “authorised insurer” and “authorised deposit taker” 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.”.

Meaning of “liable schemes”

394.—(1) For paragraph (a) of regulation 2 of the Personal Pension Scheme (Compensation) Regulations 1988 (application of Regulations) substitute—

“(a) mentioned in regulation 2(1)(a) of the Appropriate Schemes Regulations (insurance policies and annuity contracts), being a scheme established by an authorised insurer who is subject to the provisions of, or participates in, the Financial Services Compensation Scheme.”.

(2) Paragraph (b) of regulation 2 is revoked.

(3) In paragraph (c) of regulation 2, for “the Financial Services Compensation Rules” substitute “the Financial Services Compensation Scheme”.

(4) For paragraph (d) of regulation 2 substitute—

“(d) mentioned in regulation 2(1)(c) of those Regulations (interest-bearing accounts etc. with banks and building societies) being a scheme which is established by an authorised deposit taker who is subject to the provisions of, or participates in, the Financial Services Compensation Scheme.”.

Securing of liability for protected rights: prescribed requirements

395.—(1) For paragraph (1)(1) of regulation 3 of the Personal Pension Scheme (Compensation) Regulations 1988 (requirements to be complied with by liable schemes in the event of insolvency) substitute—

“(1) For the purposes of paragraph (b) of section 30(1) of the Act the prescribed circumstances are that if the scheme is a liable scheme which takes the form mentioned in any of subparagraphs (a), (b) or (c) of regulation 2(1) of the Appropriate Schemes Regulations, and if the provisions of the Financial Services Compensation Scheme applied, those provisions would become operative.”.

(2) For paragraph (3) of regulation 3 substitute—

“(3) The extent to which the liability specified in paragraph (2) must be met from some other source is, if the scheme takes the form mentioned in any of subparagraphs (a), (b) or (c) of regulation 2(1) of the Appropriate Schemes Regulations, the extent to which it would be met under the Financial Services Compensation Scheme if the rules of that Scheme applied.”.

(1) Paragraph (1) of regulation 3 was amended by S.I. 1994/1062, regulation 2, Schedule 2, paragraph 22(3).