Draft Order laid before Parliament under section 116 of the Financial Services Act 2012, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No. 0000

FINANCIAL SERVICES AND MARKETS

The Financial Services Act 2012 (Consequential Amendments) Order 2013

Made - - - -	***
Coming into force - -	*1st April 2013*

The Treasury make the following Order in exercise of the powers conferred by section 118 of the Financial Services Act 2012 ("the Act")(**a**):

In accordance with section 116(2)(d) of the Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) This Order may be cited as the Financial Services Act 2012 (Consequential Amendments) Order 2013.

(2) This Order comes into force on 1st April 2013.

Amendments of enactments

2. The Schedule to this Order (which contains amendments to enactments consequential on the Financial Services Act 2012) has effect.

Name
Name
Date — Two of the Lords Commissioners of Her Majesty's Treasury

(**a**) 2012 c.21

SCHEDULE

Article 2

Consequential Amendments of Enactments

Superannuation and other Trust Funds (Validation) Act 1927

3. In section 8 (interpretation) of the Superannuation and other Trust Funds (Validation) Act 1927(**a**), in the definition of "Authority", for "Financial Services Authority" substitute "Financial Conduct Authority".

Taxation of Chargeable Gains Act 1992

4. In section 117(11)(b) (meaning of "qualifying corporate bond") of the Taxation of Chargeable Gains Act 1992(**b**)—

(a) for "General Prudential Sourcebook made by the Financial Services Authority" substitute "PRA Handbook made by the Prudential Regulation Authority", and

(b) for "that Sourcebook" substitute "that Handbook".

Finance Act 1993

5. In section 184(1) (interpretation and commencement) of the Finance Act 1993(**c**), in the definition of "premium trust fund", for "Insurance Prudential Sourcebook made by the Financial Services Authority" substitute "Prudential Sourcebook for Insurers made by the Prudential Regulation Authority".

Finance Act 1994

6. In section 230(1) (interpretation and commencement) of the Finance Act 1994(**d**), in the definition of "premium trust fund", for "Insurance Prudential Sourcebook made by the Financial Services Authority" substitute "Prudential Sourcebook for Insurers made by the Prudential Regulation Authority".

Finance Act 1998

7.—(1) Paragraph 87 (friendly societies with non-annual actuarial investigations) of Schedule 18 (company tax returns, assessments and related matters) to the Finance Act 1998(**e**) is amended as follows.

(2) In sub-paragraph (1), for "Prudential Sourcebook (Friendly Societies)" substitute "IPRU (FSOC)".

(3) In sub-paragraph (3)(a), for "Prudential Sourcebook (Friendly Societies)" substitute "IPRU (FSOC)".

(4) For sub-paragraph (4) substitute—

> "(4) In this paragraph, "IPRU (FSOC)" means the Interim Prudential Sourcebook for Friendly Societies made by the Prudential Regulation Authority under the Financial Services and Markets Act 2000."

(**a**) 1927 c.41; the definition of "Authority" was inserted by S.I. 2001/3649.
(**b**) 1992 c.12; section 117(11)(b) was amended by S.I. 2001/3629 and 2006/3291.
(**c**) 1993 c.34; the definition of "premium trust fund" was substituted by S.I. 2001/3629 and amended by S.I. 2006/3273.
(**d**) 1994 c.9; the definition "premium trust fund" was substituted by S.I. 2001/3629 and amended by S.I. 2006/3273.
(**e**) 1998 c.36; paragraph 87 was amended by S.I. 2001/3629.

Financial Services and Markets Act 2000

8. In section 241 (actions for damages) of the Financial Services and Markets Act 2000(**a**), for "section 150" substitute "section 138D" and for "that section" substitute "section 138D(2).

Finance Act 2004

9. In paragraph 15(8) (exception to direct holding) of Schedule 29A (taxable property held by investment-regulated pension schemes) to the Finance Act 2004(**b**), in the definition of "internal linked fund"—

(a) in paragraph (a), for "Financial Services Authority" substitute "Prudential Regulation Authority", and

(b) in paragraph (b), for "Authority" substitute "Prudential Regulation Authority".

Income Tax (Trading and Other Income) Act 2005

10. In section 520(4) (the property categories) of the Income Tax (Trading and Other Income) Act 2005(**c**), in the definition of "internal linked fund"—

(a) in paragraph (a), for "Financial Services Authority" substitute "Prudential Regulation Authority", and

(b) in paragraph (b), for "Authority" substitute "Prudential Regulation Authority".

Companies Act 2006

11.—(1) The Companies Act 2006(**d**) is amended as follows.

(2) In section 472A(1) (meaning of "corporate governance statement" etc)(**e**), for "issued by the Financial Services Authority" substitute "made by the Financial Conduct Authority".

(3) In section 474(1) (minor definitions), in the definition of "UCITS management company", for "Financial Services Authority" substitute "Financial Conduct Authority".

(4) In section 497A (auditor's report on separate corporate governance statement)(**f**)—

(a) in subsection (1), for "issued by the Financial Services Authority" substitute "made by the Financial Conduct Authority", and

(b) omit subsection (2).

(5) In section 538A (meaning of "corporate governance statement" etc)(**g**)—

(a) in subsection (1), for "issued by the Financial Services Authority" substitute "made by the Financial Conduct Authority", and

(b) omit subsection (2).

(6) In section 539 (minor definitions), in the definition of "UCITS management company", for "Financial Services Authority" substitute "Financial Conduct Authority".

(7) In section 855(4) (contents of annual return: general)(**h**), in the definition of "DTR5 issuer", for "issued by the Financial Services Authority" substitute "made by the Financial Conduct Authority".

(**a**) 2000 c.8; section 138D was inserted by section 24 of the Financial Services Act 2012.
(**b**) 2004 c.12; Schedule 29A was inserted by paragraph 13 of Schedule 21 to the Finance Act 2006 (c.25).
(**c**) 2005 c.5.
(**d**) 2006 c.46.
(**e**) Section 472A was inserted by S.I. 2009/1581.
(**f**) Section 497A was inserted by S.I. 2009/1581.
(**g**) Section 538A was inserted by S.I. 2009/1581.
(**h**) Section 855(4) was inserted by S.I. 2008/3000 and the definition of "DTR5 issuer" was inserted by S.I. 2011/1487.

Banking Act 2009

12. In section 232(5B) (definition) of the Banking Act 2009(**a**), in the definition of "investment activity", for "Financial Services Authority Handbook" substitute "Financial Conduct Authority Handbook or the Prudential Regulation Authority Handbook".

Corporation Tax Act 2009

13. In section 591(2)(b) (conditions A to E mentioned in section 589(5)) of the Corporation Tax Act 2009(**b**), for "Insurance Prudential Sourcebook" substitute "Prudential Sourcebook for Insurers".

Corporation Tax Act 2010

14. In section 1120(2)(b) ("Bank") of the Corporation Tax Act 2010(**c**), for "Part 4" substitute "Part 4A".

Taxation (International and Other Provisions) Act 2010

15.—(1) The Taxation (International and Other Provisions) Act 2010(**d**) is amended as follows.

(2) In section 270(1)(a) (relevant dealing in financial instruments), for "FSA Handbook" substitute "FCA Handbook or the PRA Handbook".

(3) In section 316(12) (group treasury companies), in the definition of "debt security", for "FSA Handbook" substitute "FCA Handbook or the PRA Handbook".

(4) In section 353 (other expressions)—

(a) at the appropriate place insert—

""FCA Handbook" means the Handbook made by the Financial Conduct Authority under FISMA 2000 (as that Handbook has effect from time to time),",

(b) omit the definition of "FSA Handbook" and the "and" following it, and

(c) at the end of the definition of "HMRC" insert, and

""PRA Handbook" means the Handbook made by the Prudential Regulation Authority under FISMA 2000 (as that Handbook has effect from time to time).".

(5) In section 371CG (does chapter 8 apply?)(**e**)—

(a) in subsection (2)(a), for "FSA Handbook" substitute "PRA Handbook",

(b) in subsection (3), for each occurrence of "FSA Handbook" substitute "PRA Handbook",

(c) in subsection (4), for the definition of "the FSA Handbook" and the "and" following it substitute—

""the PRA Handbook" means the Handbook made by the Prudential Regulation Authority under FISMA 2000 (as that Handbook has effect from time to time), and",

(d) in subsection (5)—

(i) in paragraph (a), for "FSA Handbook" substitute "PRA Handbook", and

(ii) in paragraph (b), for "Financial Services Authority" substitute "Financial Conduct Authority or the Prudential Regulation Authority", and

(e) in subsection (6)(a), for "FSA Handbook" substitute "PRA Handbook".

(6) In the table in Part 5 (index of defined expressions used in Part 7) of Schedule 11—

(**a**) 2009 c.1; section 232(5B) was inserted by S.I. 2011/239.
(**b**) 2009 c.4; section 591(2)(b) was amended by paragraph 167(3) of Schedule 16 to the Finance Act 2012 (c.14).
(**c**) 2010 c.4; Part 4A was inserted by section 11 of the Financial Services Act 2012.
(**d**) 2010 c.8.
(**e**) Section 371CG was inserted by paragraph 1 of Schedule 20 to the Finance Act 2012.

(a) omit the entry for "FSA Handbook", and

(b) at the appropriate place insert the following entries—

"FCA Handbook (in Part 7)	Section 353"

"PRA Handbook (in Part 7)	section 353"

Finance Act 2010

16.—(1) The Finance Act 2010(**a**) is amended as follows.

(2) In section 64(3) (FSCS intervention in relation to insurance contracts), in the definition of "protected contracts of insurance", for "Handbook made by the Financial Services Authority" substitute "PRA Handbook made by the Prudential Regulation Authority".

(3) In Schedule 1 (bank payroll tax)—

(a) in paragraph 44(12) (definitions), for "Handbook of Rules and Guidance made by the Financial Services Authority" substitute "PRA Handbook made by the Prudential Regulation Authority", and

(b) in paragraph 45(14) ("member of a banking group"), for each occurrence of "Financial Services Authority" substitute "Prudential Regulation Authority".

Finance Act 2011

17.—(1) Schedule 19 (the bank levy) to the Finance Act 2011(**b**) is amended as follows.

(2) In paragraph 30(2)(a) (excluded "equity" and liabilities), for "FSA Handbook" substitute "PRA Handbook".

(3) In paragraph 31(4) (excluded "equity" and liabilities), for each occurrence of "FSA Handbook" substitute "PRA Handbook".

(4) In paragraph 33(4) (excluded "equity" and liabilities), in the definition of "unallocated surplus", for "Financial Services Authority" substitute "Prudential Regulation Authority".

(5) In paragraph 38(3) (excluded "equity" and liabilities)—

(a) in paragraph (a), for "section 139(1) of FISMA 2000 (rules relating to handling of money)" substitute "section 137B of FISMA 2000 (FCA general rules: clients' money, right to rescind etc.)", and

(b) in paragraph (b), for "section 139 of that Act" substitute "section 137B of that Act".

(6) In paragraph 70(definitions)—

(a) in sub-paragraph (1)—

(i) omit the definition of "the FSA Handbook",

(ii) in the definition of "high quality liquid asset", for "section BIPRU 12.7.2(1) to (4) of the FSA Handbook" substitute "section 12.7.2(1) to (4) of the Prudential Sourcebook for Banks, Building Societies and Investment Firms made by the Prudential Regulation Authority", and

(iii) after the definition of "permanent establishment" insert—

""the PRA Handbook" means the Handbook made by the Prudential Regulation Authority under FISMA 2000 (as that Handbook has effect from time to time);",

(b) in sub-paragraph (2), for "FSA Handbook" substitute "PRA Handbook", and

(c) in sub-paragraph (4), for "section 148" substitute "section 138A".

(**a**) 2010 c.13.
(**b**) 2011 c.11.

(7) In paragraph 81(1)(b) (power to make consequential changes), for "FSA Handbook" substitute "PRA Handbook".

Finance Act 2012

18.—(1) Section 139 (minor definitions) of the Finance Act 2012(**a**) is amended as follows.

(2) In subsection (1)—

(a) in the definition of "liabilities"—

(i) in paragraph (a), for "Insurance Prudential Sourcebook" substitute "INSPRU", and

(ii) in paragraph (b), for "General Prudential Sourcebook" substitute "GENPRU", and

(b) in the definition of "with-profits fund", for "Prudential Sourcebook (Insurers)" substitute "IPRU (INS)".

(3) In subsection (4)—

(a) at the end of the definition of "deposit back arrangements" insert—

""GENPRU" means the General Prudential Sourcebook made by the Prudential Regulation Authority under FISMA 2000,

"INSPRU" means the Prudential Sourcebook for Insurers made by the Prudential Regulation Authority under FISMA 2000, and

"IPRU (INS)" means the Interim Prudential Sourcebook for Insurers made by the Prudential Regulation Authority under FISMA 2000.",and

(b) omit the definitions of "the Insurance Prudential Sourcebook", "the General Prudential Sourcebook" (and the "and" following it) and "the Prudential Sourcebook (Insurers)".

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for consequential amendments of enactments in connection with the Financial Services Act 2012.

Article 2 gives effect to the Schedule to this Order.

The Schedule makes provision for amendments of references to Financial Services Authority Instruments in various enactments and for amendments of references to provisions of the Financial Services and Markets Act 2000 which have been amended by the Financial Services Act 2012.

A full impact assessment of the effect that this Order will have on the costs of business and the voluntary sector is available from, Her Majesty's Treasury, 1 Horse Guards Road, London SW1A 2HQ or on www.hm-treasury.gov.uk and is published alongside this Order on www.legislation.gov.uk.

© Crown copyright 2013

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

(**a**) 2012 c.14.

Draft Order laid before Parliament under section 116 of the Financial Services Act 2012, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No. 0000

FINANCIAL SERVICES AND MARKETS

The Financial Services Act 2012 (Consequential Amendments) Order 2013

ISBN 978-0-11-153381-9

9 780111 533819

£5.75

E5637 01/2013 135637T 19585