2005 No. 592

FINANCIAL SERVICES AND MARKETS

The Financial Services and Markets Act 2000 (Exemption) (Amendment) Order 2005

Made - - - - - *9th March 2005*

Laid before Parliament *10th March 2005*

Coming into force in accordance with article 1(2)

The Treasury, in exercise of the powers conferred upon them by sections 38 and 428(3) of the Financial Services and Markets Act 2000(**a**), hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Financial Services and Markets Act 2000 (Exemption) (Amendment) Order 2005.

(2) This Order comes into force—

(a) for the purposes of article 2, on 6th April 2005;

(b) for all other purposes, on 1st April 2005.

(3) In this Order "the Schedule" means the Schedule to the Financial Services and Markets Act 2000 (Exemption) Order 2001(**b**).

Amendment of the Schedule

2.—(1) After paragraph 34 of the Schedule insert—

"34A. The Board of the Pension Protection Fund.".

(2) At the end of paragraph 48(2) of the Schedule insert—

";

(f) Communities Scotland".

3.—(1) Paragraph 49 of the Schedule is amended as follows.

(2) For "England and Wales", wherever occurring, substitute "Great Britain".

(3) Omit sub-paragraph (6).

(**a**) 2000 c. 8.
(**b**) S.I. 2001/1201; relevant amending instruments are S.I. 2001/3623 and S.I. 2003/1675.

(4) In sub-paragraph (7)—

(a) for the definition of "BSC Framework Agreement" substitute—

""BSC Framework Agreement" means the agreement of that title in the form approved by the Secretary of State for the purpose of conditions of the Transmission Licence and which is dated 14 August 2000; and "conditions" for the purposes of this definition means conditions determined by the Secretary of State under powers granted by section 137(1) of the Energy Act 2004(**a**) and incorporated into existing electricity transmission licences by a scheme made by the Secretary of State pursuant to section 138 of, and Schedule 17 to, that Act;";

(b) in the definition of "Interconnector"—

(i) after "electrical plant" insert "and meters";

(ii) after "used" insert "solely";

(iii) omit "and distribution systems";

(c) in the definition of "NGC" delete "The";

(d) omit the definition of "the Pooling and Settlement Agreement";

(e) in the definition of "the Transmission Licence"

(i) for "transmit" substitute "participate in the transmission of";

(ii) after "granted" insert ", or treated as granted,".

Joan Ryan
Nick Ainger

9th March 2005 — Two of the Lords Commissioners of Her Majesty's Treasury

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Schedule to the Financial Services and Markets Act 2000 (Exemption) Order 2001 (S.I. 2001/1201) ("the Schedule") which provides for certain persons to be exempt from the general prohibition imposed by section 19 of the Financial Services and Markets Act 2000 (c. 8) ("the Act").

Article 2(1) adds the Board of the Pension Protection Fund (established by section 107 of the Pensions Act 2004 (c. 35)) to Part III of the Schedule. Article 2(2) adds Communities Scotland, a Scottish Executive agency, to paragraph 48 of the Schedule. Article 3 makes various amendments to paragraph 49, of the Schedule, which exempts those engaged in the wholesale trade in electricity from certain requirements of the Act. Paragraph (2) provides for the exemption to apply to Great Britain rather than to England and Wales. Paragraph (3) makes consequential changes and paragraph (4) amends definitions so as to reflect the introduction of the British Electricity Trading and Transmission Arrangements for the wholesale trade in electricity.

A Regulatory Impact Assessment has not been prepared for Article 2 of this Order as it has no impact on the cost of business. A Regulatory Impact Assessment has been prepared for Article 3 of this Order and a copy can be obtained from the Financial Stability and Regulatory Policy Team, HMT Treasury, 1 Horse Guards Road, London, SW1A 2HQ.

(**a**) 2004 c. 20.

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