

Changes to legislation: Financial Services and Markets Act 2000, SCHEDULE 1ZA is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[F1]SCHEDULE 1ZA

Section 1A

THE FINANCIAL CONDUCT AUTHORITY

Textual Amendments

- F1** Schs. 1ZA, 1ZB substituted for Sch. 1 (24.1.2013 for specified purposes, 19.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 3](#) (with [Sch. 20](#)); [S.I. 2013/113, art. 2\(1\)\(b\)\(c\)\(2\), Sch. Pts. 2, 3, 4](#); [S.I. 2013/423, art. 3, Sch.](#)

Modifications etc. (not altering text)

- C1** Sch. 1ZA applied (with modifications) (6.4.2018 immediately after 2016 c. 16 (N.I.), s. 8(2) comes into force) by [The Financial Services Act 2012 \(Mutual Societies\) Order 2018 \(S.I. 2018/323\), art. 1, Sch. 1 paras. 2\(2\)\(a\), 5\(1\)\(2\)](#) (with [art. 3](#))

PART 1

GENERAL

Modifications etc. (not altering text)

- C2** Sch. 1ZA Pt. 1 modified by [S.I. 2007/3298, reg. 4\(4\)](#) (as amended) (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\), Sch. 2 para. 131\(c\)](#)
- C3** Sch. 1ZA Pt. 1 modified (26.6.2017) by [The Money Laundering, Terrorist Financing and Transfer of Funds \(Information on the Payer\) Regulations 2017 \(S.I. 2017/692\), regs. 1\(2\), 46\(9\), 63\(8\)](#) (with [regs. 8, 15](#))

Interpretation

- 1 In this Schedule—
- “the Bank” means the Bank of England;
 - “functions”, in relation to the FCA, means functions conferred on the FCA by or under any provision of this Act (see section 1A(6) which affects the meaning of references to such functions).

Constitution

- 2 (1) The constitution of the FCA must provide for the FCA to have a governing body.
- (2) The governing body must consist of—
- (a) a chair appointed by the Treasury,
 - (b) a chief executive appointed by the Treasury,

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- (c) the Bank's Deputy Governor for prudential regulation,
 [the Chair of the Payment Systems Regulator,]
^{F2}(ca)
 - (d) 2 members appointed jointly by the Secretary of State and the Treasury, and
 - (e) at least one other member appointed by the Treasury.
- (3) The members referred to in sub-paragraph (2)(a), (c) [^{F3}, (ca)] and (d) are to be non-executive members.
- (4) In exercising its powers under sub-paragraph (2)(e) to appoint executive or non-executive members, the Treasury must secure that the majority of members of the governing body are non-executive members.
- (5) An employee of the FCA may not be appointed as a non-executive member.
- (6) In the following provisions of this Schedule an “appointed member” means a member of the governing body appointed under sub-paragraph (2)(a), (b), (d) or (e).

Textual Amendments

- F2** Sch. 1ZA para. 2(2)(ca) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), **ss. 52(4)(a), 86(2)(b)**
- F3** Word in Sch. 1ZA para. 2(3) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), **ss. 52(4)(b), 86(2)(b)**

- [
^{F4}2A (1) The term of office of a person appointed as chief executive under paragraph 2(2)(b) must not begin before—
- (a) the person has, in connection with the appointment, appeared before the Treasury Committee of the House of Commons, or
 - (b) (if earlier) the end of the period of 3 months beginning with the day on which the appointment is made.

[Appointment as chief executive under paragraph 2(2)(b) is to be for a period of 5
^{F5}(1A) years.]

- (2) [^{F6}Sub-paragraphs (1) and (1A) do] not apply if the person is appointed as chief executive on an acting basis, pending a further appointment being made.
- (3) The reference to the Treasury Committee of the House of Commons—
- (a) if the name of that Committee is changed, is a reference to that Committee by its new name, and
 - (b) if the functions of that Committee (or substantially corresponding functions) become functions of a different Committee of the House of Commons, is to be treated as a reference to the Committee by which the functions are exercisable.
- (4) Any question arising under sub-paragraph (3) is to be determined by the Speaker of the House of Commons.]

Textual Amendments

- F4** Sch. 1ZA para. 2A inserted (6.7.2016) by [Bank of England and Financial Services Act 2016 \(c. 14\)](#), **ss. 18, 41(3); S.I. 2016/627, reg. 2(1)(m)**

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- F5** Sch. 1ZA para. 2A(1A) inserted (29.6.2021) by Financial Services Act 2021 (c. 22), ss. 42(2)(a), 49(2)(d)
F6 Words in Sch. 1ZA para. 2A(2) substituted (29.6.2021) by Financial Services Act 2021 (c. 22), ss. 42(2)(b), 49(2)(d)

- [
F7 2B (1) A person may not be appointed as chief executive under paragraph 2(2)(b) more than twice.
(2) For this purpose an appointment as chief executive on an acting basis, pending a further appointment being made, is to be ignored.]

Textual Amendments

- F7** Sch. 1ZA para. 2B inserted (29.6.2021) by Financial Services Act 2021 (c. 22), ss. 42(3), 49(2)(d)

- 3 (1) The terms of service of the appointed members are to be determined by the Treasury.
(2) In the case of a member appointed under paragraph 2(2)(d), the Treasury must consult the Secretary of State about the terms of service.
(3) Before appointing a person as an appointed member, the Treasury (or as the case requires the Treasury and the Secretary of State) must consider whether the person has any financial or other interests that could have a material effect on the extent of the functions as member that it would be proper for the person to discharge.
(4) The terms of service of an appointed member (“M”) must be such as—
(a) to secure that M is not subject to direction by the Treasury or the Secretary of State,
(b) to require M not to act in accordance with the directions of any other person, and
(c) to prohibit M from acquiring any financial or other interests that have a material effect on the extent of the functions as member that it would be proper for M to discharge.
(5) If an appointed member is an employee of the FCA, the member's interest as employee is to be disregarded for the purposes of sub-paragraphs (3) and (4)(c) and paragraph 4(1)(b).
(6) A person who is an employee of the PRA [^{F8}or of the Payment Systems Regulator] is disqualified for appointment as an appointed member.
(7) The FCA may pay expenses to [^{F9}a person holding an office mentioned in paragraph 2(2)(c) or (ca)] in respect of that person's service as a member.

Textual Amendments

- F8** Words in Sch. 1ZA para. 3(6) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), ss. 52(5)(a), 86(2)(b)
F9 Words in Sch. 1ZA para. 3(7) substituted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), ss. 52(5)(b), 86(2)(b)

- 4 (1) The Treasury may remove an appointed member from office—
(a) on the grounds of incapacity or serious misconduct, or

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- (b) on the grounds that in all the circumstances the member's financial or other interests are such as to have a material effect on the extent of the functions as member that it would be proper for the person to discharge.
- (2) Before removing from office a member appointed under paragraph 2(2)(d), the Treasury must consult the Secretary of State.
- 5 The validity of any act of the FCA is not affected—
- (a) by any vacancy in any of the offices mentioned in paragraph 2(2)(a), (b) [^{F10}, (c) or (ca)], or
- (b) by a defect in the appointment of a person—
- (i) to any of those offices, or
- (ii) as an appointed member.

Textual Amendments

F10 Words in *Sch. 1ZA para. 5(a)* substituted (29.8.2023) by *Financial Services and Markets Act 2023 (c. 29), ss. 52(6), 86(2)(b)*

- 6 The Bank's Deputy Governor for prudential regulation must not take part in any discussion by or decision of the FCA which relates to—
- (a) the exercise of the FCA's functions in relation to a particular person, or
- (b) a decision not to exercise those functions.
- [^{F11}6A (1) The Chair of the Payment Systems Regulator must not take part in any discussion by or decision of the FCA which relates to—
- (a) the exercise of the FCA's functions in relation to a particular person, or
- (b) a decision not to exercise those functions.
- (2) Sub-paragraph (1) does not apply at any time when the person who is the Chair of the Payment Systems Regulator also holds the office mentioned in paragraph 2(2)(a).]

Textual Amendments

F11 *Sch. 1ZA para. 6A* inserted (29.8.2023) by *Financial Services and Markets Act 2023 (c. 29), ss. 52(7), 86(2)(b)*

Remuneration

- 7 The FCA must pay to the appointed members such remuneration as may be determined—
- (a) in the case of the non-executive members, by the Treasury;
- (b) in the case of the executive members, by the FCA.

Arrangements for discharging functions

- 8 (1) The FCA may make arrangements for any of its functions to be discharged by a committee, sub-committee, officer or member of staff of the FCA, but subject to the following provisions.
- (2) In exercising its legislative functions, the FCA must act through its governing body.

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- (3) For that purpose, the following are the FCA's legislative functions—
- (a) making rules [^{F12}under this Act or under [^{F13}assimilated direct] legislation];
 - ^{F14}(b)
 - (c) issuing statements under—
 - (i) section [^{F15}63ZD,] 63C, ^{F16}... 69, 88C, 89S, 93, 124, 131J, 138N, [^{F17}142V,] 192H, 192N, 210 [^{F18}or 312J],
 - (ii) section 345D (whether as a result of section 345(2) [^{F19}, section 249(1) or 261K(1)], or
 - (iii) section 80 of the Financial Services Act 2012;
 - (d) giving directions under section 316, 318 or 328.
 - ^{F20}(e)
 - [making technical standards in accordance with Chapter 2A of Part 9A;
 - ^{F21}(f)
 - (g) making EU Exit instruments under the Financial Regulators' Powers (Technical Standards) (Amendment etc.) (EU Exit) Regulations 2018.]

[In exercising its functions under sections 9(2) and 10 of the Financial Guidance and ^{F22}(3A) Claims Act 2018 (approving and reviewing standards set by [^{F23}Money and Pensions Service]), the FCA must act through its governing body.]

- (4) The function of issuing general guidance (as defined in section 139B(5) ^{F24}...) may not be discharged by an officer or member of staff of the FCA.

[In respect of the exercise of a function under Part 1 of the Competition Act 1998, the ^{F25}(5) power in sub-paragraph (1) is subject to provision in rules made under section 51 of that Act by virtue of paragraph 1A of Schedule 9 to that Act.]

Textual Amendments

- F12** Words in Sch. 1ZA para. 8(3)(a) inserted (1.7.2021) by [Financial Services Act 2021 \(c. 22\), ss. 43\(3\), 49\(5\); S.I. 2021/739, reg. 3\(w\)](#)
- F13** Words in Sch. 1ZA para. 8(3)(a) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\), reg. 1\(2\), Sch. para. 44\(4\)\(w\)](#)
- F14** Sch. 1ZA para. 8(3)(b) omitted (3.7.2016) by virtue of [The Financial Services and Markets Act 2000 \(Market Abuse\) Regulations 2016 \(S.I. 2016/680\), regs. 1, 10\(22\)](#)
- F15** Word in Sch. 1ZA para. 8(3)(c)(i) inserted (25.7.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\), s. 148\(5\), Sch. 3 para. 16\(b\)\(i\); S.I. 2014/1819, art. 2\(4\)\(b\)](#)
- F16** Word in Sch. 1ZA para. 8(3)(c)(i) omitted (7.3.2016) by virtue of [Financial Services \(Banking Reform\) Act 2013 \(c. 33\), s. 148\(5\), Sch. 3 para. 16\(b\)\(ii\); S.I. 2015/490, art. 2\(1\)\(b\) \(with savings and transitional provisions in S.I. 2015/492 \(as amended by S.I. 2015/1660\)\)](#)
- F17** Word in Sch. 1ZA para. 8(3)(c)(i) inserted (1.1.2019) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\), ss. 4\(6\), 148\(5\); S.I. 2018/1306, art. 2\(d\)](#)
- F18** Words in Sch. 1ZA para. 8(3)(c)(i) substituted (1.1.2019) by [Financial Guidance and Claims Act 2018 \(c. 10\), s. 37\(5\), Sch. 3 para. 21\(2\)\(a\)\(i\); S.I. 2018/1330, reg. 2\(g\)\(vi\)](#)
- F19** Words in Sch. 1ZA para. 8(3)(c)(ii) substituted (6.6.2013) by [The Collective Investment in Transferable Securities \(Contractual Scheme\) Regulations 2013 \(S.I. 2013/1388\), regs. 1, 3\(21\) \(with reg. 24\)](#)
- F20** Sch. 1ZA para. 8(3)(e) omitted (1.1.2019) by virtue of [Financial Guidance and Claims Act 2018 \(c. 10\), s. 37\(5\), Sch. 3 para. 21\(2\)\(a\)\(ii\); S.I. 2018/1330, reg. 2\(g\)\(vi\)](#)

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- F21** Sch. 1ZA para. 8(3)(f)(g) inserted (26.10.2018) by [The Financial Regulators Powers \(Technical Standards etc.\) \(Amendment etc.\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1115\)](#), regs. 1(2), **7(9)(a)**
- F22** Sch. 1ZA para. 8(3A) inserted (1.10.2018) by [Financial Guidance and Claims Act 2018 \(c. 10\)](#), s. 37(5), **Sch. 3 para. 21(2)(b)**; S.I. 2018/1029, reg. 2(q) (with Sch. para. 2)
- F23** Words in Sch. 1ZA para. 8(3A) substituted (6.4.2019) by [The Financial Guidance and Claims Act 2018 \(Naming and Consequential Amendments\) Regulations 2019 \(S.I. 2019/383\)](#), reg. 1(1), **Sch. para. 7(d)**
- F24** Words in Sch. 1ZA para. 8(4) omitted (1.1.2019) by virtue of [Financial Guidance and Claims Act 2018 \(c. 10\)](#), s. 37(5), **Sch. 3 para. 21(2)(c)**; S.I. 2018/1330, reg. 2(g)(vi)
- F25** Sch. 1ZA para. 8(5) inserted (1.11.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\)](#), s. 148(5), **Sch. 8 para. 7(2)**; S.I. 2014/2458, art. 2(b)(bb)(ii)

Modifications etc. (not altering text)

- C4** Sch. 1ZA para. 8(2) modified (20.2.2013) by [The Financial Services Act 2012 \(Transitional Provisions\) \(Rules and Miscellaneous Provisions\) Order 2013 \(S.I. 2013/161\)](#), arts. 1(1), **3(8)(a)(9)**
- C5** Sch. 1ZA para. 8(2) modified (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No. 2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **64(6)**
- C6** Sch. 1ZA para. 8(2) modified (E.W.S.) (29.11.2018 for specified purposes, 1.4.2019 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Claims Management Activity\) Order 2018 \(S.I. 2018/1253\)](#), arts. 1(2)(3), **85(8)**

Records

- 9 The FCA must maintain satisfactory arrangements for—
- (a) recording decisions made in the exercise of its functions, and
 - (b) the safe-keeping of those records which it considers ought to be preserved.

Publication of record of meetings of governing body

- 10 (1) The FCA must publish a record of each meeting of its governing body—
- (a) before the end of the period of 6 weeks beginning with the day of the meeting, or
 - (b) if no meeting of the governing body is subsequently held during that period, before the end of the period of 2 weeks beginning with the day of the next meeting.
- (2) The record must specify any decision taken at the meeting (including decisions to take no action) and must set out, in relation to each decision, a summary of the deliberations of the governing body.
- (3) Sub-paragraphs (1) and (2) do not require the publication of information whose publication within the time required by sub-paragraph (1) would in the opinion of the governing body be against the public interest.
- (4) Publication under this section is to be in such manner as the FCA thinks fit.

Modifications etc. (not altering text)

- C7** Sch. 1ZA para. 10 applied (20.2.2013) by [The Financial Services Act 2012 \(Transitional Provisions\) \(Rules and Miscellaneous Provisions\) Order 2013 \(S.I. 2013/161\)](#), arts. 1(1), **7(3)(a)**

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Annual report

- 11 (1) At least once a year the FCA must make a report to the Treasury on—
- (a) the discharge of its functions,
 - (b) the extent to which, in its opinion, its operational objectives have been advanced,
 - (c) the extent to which, in its opinion, it has acted compatibly with its strategic objective,
 - (d) how, in its opinion, it has complied with the duty in section 1B(4),
[how, in its opinion, it has complied with the duty in section 1B(4A),]
 - ^{F26}(da) (e) its consideration of the matter mentioned in section 1B(5)(b),
(f) its consideration of the principles in section 3B,
(g) how it has complied with section 3D,
(h) any direction received under section 3I or 3J during the period to which the report relates,
[any rules that it has made as a result of section 137C during the period to
^{F27}(ha) which the report relates and the kinds of regulated credit agreement (within the meaning of that section) to which the rules apply,]
 - ^{F28}(hb)
[how it has satisfied the requirement in section 138EA(2) so far as
^{F29}(hc) regarding disclosure requirements in connection with matters relating to sustainability],
 - (i) how it has complied with section 354A(1) so far as relating to co-operation with persons outside the United Kingdom, ^{F30} ...
[how, in its opinion, it has complied with its duties under sections 9(2) and
^{F31}(ia) 10 of the Financial Guidance and Claims Act 2018, ^{F32} ...]
 - ^{F33}(ib) [how it has satisfied the requirement in section 416B to have regard to any SDR policy statement of the Treasury published and not withdrawn under section 416A (sustainability disclosure requirements: policy statement)],
[any engagement with the statutory panels of the FCA, the PRA or the
^{F34}(ib) Payment Systems Regulator,
 - (ic) how it has complied with the statement of policy on panel appointments prepared under section 1RA in relation to the process for making appointments and the matters considered in determining who is appointed, and]
 - (j) such other matters as the Treasury may from time to time direct.
- (2) Sub-paragraph (1) does not require the inclusion in the report of any information whose publication would in the opinion of the FCA be against the public interest.
- (3) The report must be accompanied by—
- (a) a statement of the remuneration of the appointed members of the governing body of the FCA during the period to which the report relates, and
 - (b) such other reports or information, prepared by such persons, as the Treasury may from time to time direct.
- (4) The Treasury must lay before Parliament a copy of each report received by them under this paragraph.

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[^{F35}(5) In this paragraph “statutory panel” has the meaning given in section 1RB(5).]

Textual Amendments

- F26** Sch. 1ZA para. 11(1)(da) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), **ss. 28(10)**, 86(3); S.I. 2023/779, reg. 4(s)
- F27** Sch. 1ZA para. 11(1)(ha) inserted (18.2.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\)](#), **ss. 131(2)**, 148(2)
- F28** Sch. 1ZA para. 11(1)(hb) omitted (1.1.2019) by virtue of [Financial Guidance and Claims Act 2018 \(c. 10\)](#), s. 37(5), **Sch. 3 para. 21(3)(a)**; S.I. 2018/1330, reg. 2(g)(vi)
- F29** Sch. 1ZA para. 11(1)(hc) inserted (1.1.2024) by [Financial Services and Markets Act 2023 \(c. 29\)](#), **ss. 21(3)(a)**, 86(3); S.I. 2023/1382, reg. 9(1)(a)
- F30** Word in Sch. 1ZA para. 11(1)(i) omitted (1.10.2018) by virtue of [Financial Guidance and Claims Act 2018 \(c. 10\)](#), s. 37(5), **Sch. 3 para. 21(3)(b)**; S.I. 2018/1029, reg. 2(q) (with Sch. para. 2)
- F31** Sch. 1ZA para. 11(1)(ia) inserted (1.10.2018) by [Financial Guidance and Claims Act 2018 \(c. 10\)](#), s. 37(5), **Sch. 3 para. 21(3)(b)**; S.I. 2018/1029, reg. 2(q) (with Sch. para. 2)
- F32** Word in Sch. 1ZA para. 11(1) omitted (29.8.2023) by virtue of [Financial Services and Markets Act 2023 \(c. 29\)](#), **ss. 37(2)(a)**, 86(3); S.I. 2023/779, reg. 4(aa)
- F33** Sch. 1ZA para. 11(1)(ib) inserted (1.1.2024) by [Financial Services and Markets Act 2023 \(c. 29\)](#), **ss. 21(3)(b)**, 86(3); S.I. 2023/1382, reg. 9(1)(a)
- F34** Sch. 1ZA para. 11(1)(ib)(ic) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), **ss. 37(2)(b)**, 86(3); S.I. 2023/779, reg. 4(aa)
- F35** Sch. 1ZA para. 11(5) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), **ss. 37(3)**, 86(3); S.I. 2023/779, reg. 4(aa)

[^{F36}Other reports

Textual Amendments

- F36** Sch. 1ZA para. 11A and cross-heading inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), **ss. 39(2)**, 86(3); S.I. 2023/779, reg. 4(cc)

- 11A (1) The Treasury may (subject to this paragraph) at any time by direction require the FCA to publish a report containing information about—
- (a) any of the matters mentioned in paragraphs (a) to (ia) of paragraph 11(1);
 - (b) such other matters that the direction may specify.
- (2) The Treasury may give a direction under this paragraph requiring information to be published only if the Treasury consider that—
- (a) the information is reasonably necessary for the purpose of reviewing and scrutinising the discharge of the FCA’s functions, and
 - (b) other available information is not sufficient to meet that purpose.
- (3) Subject to sub-paragraph (4), the FCA must publish a report prepared under a direction given under this paragraph in such manner, and within such period, as the direction may require.
- (4) Nothing in this paragraph requires the inclusion in the report of any information whose publication would be against the public interest.
- (5) A direction under this paragraph may not—

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- (a) require a report to be published more than once in each quarter;
 - (b) require the publication of information that is confidential information for the purposes of Part 23 (see section 348(2)).
- (6) The Treasury must consult the FCA before giving a direction under this paragraph.
- (7) In exercising the power under this paragraph, the Treasury must have regard to the desirability of minimising any adverse effect that the preparation of the report required in accordance with the direction may have on the exercise by the FCA of any of its other functions.
- (8) The Treasury must—
- (a) lay before Parliament a copy of a direction given under this paragraph, and
 - (b) publish the direction in such manner as the Treasury think fit.
- (9) A direction under this paragraph may be varied or revoked by the giving of a further direction.]

Annual public meeting

- 12 (1) Not later than 3 months after making a report under paragraph 11, the FCA must hold a public meeting (“the annual meeting”) for the purposes of enabling that report to be considered.
- (2) The FCA must organise the annual meeting so as to allow—
- (a) a general discussion of the contents of the report which is being considered, and
 - (b) a reasonable opportunity for those attending the meeting to put questions to the FCA about the way in which it discharged, or failed to discharge, its functions during the period to which the report relates.
- (3) But otherwise the annual meeting is to be organised and conducted in such a way as the FCA considers appropriate.
- (4) The FCA must give reasonable notice of its annual meeting.
- (5) That notice must—
- (a) give details of the time and place at which the meeting is to be held,
 - (b) set out the proposed agenda for the meeting,
 - (c) indicate the proposed duration of the meeting,
 - (d) give details of the FCA's arrangements for enabling persons to attend, and
 - (e) be published by the FCA in the way appearing to it to be best calculated to bring the notice to the attention of the public.
- (6) If the FCA proposes to alter any of the arrangements which have been included in the notice given under sub-paragraph (5), it must—
- (a) give reasonable notice of the alteration, and
 - (b) publish that notice in the way appearing to the FCA to be best calculated to bring it to the attention of the public.

Report of annual meeting

- 13 Not later than one month after its annual meeting, the FCA must publish a report of the proceedings of the meeting.

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Accounts and audit

- 14 (1) The Treasury may—
- (a) require the FCA to comply with any provisions of the Companies Act 2006 about accounts and their audit which would not otherwise apply to it, or
 - (b) direct that any provision of that Act about accounts and their audit is to apply to the FCA with such modifications as are specified in the direction, whether or not the provision would otherwise apply to the FCA.
- (2) Compliance with any requirement under sub-paragraph (1)(a) or (b) is enforceable by injunction or, in Scotland, an order for specific performance under section 45 of the Court of Session Act 1988.
- (3) Proceedings under sub-paragraph (2) may be brought only by the Treasury.
- 15 (1) The FCA must send a copy of its annual accounts to the Comptroller and Auditor General as soon as is reasonably practicable.
- (2) The Comptroller and Auditor General must—
- (a) examine, certify and report on accounts received under this paragraph, and
 - (b) send a copy of the certified accounts and the report to the Treasury.
- (3) The Treasury must lay the copy of the certified accounts and the report before Parliament.
- (4) Except as provided by paragraph 14(1), the FCA is exempt from the requirements of Part 16 of the Companies Act 2006 (audit), and its balance sheet must contain a statement to that effect.
- (5) In this paragraph “annual accounts” has the meaning given in section 471 of the Companies Act 2006.

PART 2

STATUS

Modifications etc. (not altering text)

- C8** Sch. 1ZA Pt. 2 modified (26.6.2017) by [The Money Laundering, Terrorist Financing and Transfer of Funds \(Information on the Payer\) Regulations 2017 \(S.I. 2017/692\)](#), regs. 1(2), **46(9)**, 63(8) (with regs. 8, 15)

Status

- 16 In relation to any of its functions—
- (a) the FCA is not to be regarded as acting on behalf of the Crown, and
 - (b) its members, officers and staff are not to be regarded as Crown servants.

Modifications etc. (not altering text)

- C9** Sch. 1ZA para. 16 applied (20.2.2013) by [The Financial Services Act 2012 \(Transitional Provisions\) \(Rules and Miscellaneous Provisions\) Order 2013 \(S.I. 2013/161\)](#), arts. 1(1), **7(3)(b)**

Changes to legislation: *Financial Services and Markets Act 2000, SCHEDULE 1ZA is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Exemption from requirement for use of “limited” in name of FCA

- 17 The FCA is to continue to be exempt from the requirements of the Companies Act 2006 relating to the use of “limited” as part of its name.
- 18 If the Secretary of State is satisfied that any action taken by the FCA makes it inappropriate for the exemption given by paragraph 17 to continue, the Secretary of State may, after consulting the Treasury, give a direction removing it.

PART 3

PENALTIES AND FEES

Modifications etc. (not altering text)

- C10** Sch. 1ZA Pt. 3 modified (E.W.S.) (29.11.2018 for specified purposes, 1.4.2019 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Claims Management Activity\) Order 2018 \(S.I. 2018/1253\)](#), arts. 1(2)(3), **54(4)**
- C11** Sch. 1ZA Pt. 3 applied (with modifications) (31.5.2021) by [The Civil Liability Act 2018 \(Financial Conduct Authority\) \(Whiplash\) Regulations 2021 \(S.I. 2021/594\)](#), regs. 1, **2(2)(b)**

Penalties

- 19 In determining its policy with respect to the amounts of penalties to be imposed by it under this Act, the FCA must take no account of the expenses which it incurs, or expects to incur, in discharging its functions.

Modifications etc. (not altering text)

- C12** Sch. 1ZA para. 19 applied (with modifications) by S.I. 2008/346, reg. 37 (as substituted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#)), **Sch. 2 para. 134(b)**)
- C13** Sch. 1ZA paras. 19-22 applied (with modifications) (E.W.) (9.7.2013) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Referral Fees\) Regulations 2013 \(S.I. 2013/1635\)](#), regs. 1, **7(2)**
- C14** Sch. 1ZA paras. 19-22 applied (with modifications) (12.12.2014) by [The Immigration Act 2014 \(Bank Accounts\) Regulations 2014 \(S.I. 2014/3085\)](#), regs. 1, **6**
- C15** Sch. 1ZA paras. 19-23 applied (with modifications) (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2017 \(S.I. 2017/701\)](#), reg. 1(2)(3)(4)(6), **Sch. 1 para. 25(1)** (with reg. 7)
- C16** Sch. 1ZA paras. 19-23 applied (with modifications) (3.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Data Reporting Services Regulations 2017 \(S.I. 2017/699\)](#), regs. 1(2)(a)(b), **40**
- C17** Sch. 1ZA paras. 19-23 applied (with modifications) (1.1.2018) by [The Packaged Retail and Insurance-based Investment Products Regulations 2017 \(S.I. 2017/1127\)](#), reg. 1, **Sch. 1 para. 9**
- C18** Sch. 1ZA paras. 19-23 applied (with modifications) (27.2.2018) by [The Financial Services and Markets Act 2000 \(Benchmarks\) Regulations 2018 \(S.I. 2018/135\)](#), regs. 1(2), **26**
- C19** Sch. 1ZA paras. 19-23 applied (with modifications) (1.1.2019) by [The Securitisation Regulations 2018 \(S.I. 2018/1288\)](#), reg. 1, **Sch. 1 para. 11** (with Sch. 1 paras. 13, 14)
- C20** Sch. 1ZA paras. 19-22 applied (with modifications) (10.6.2019) by [The Proxy Advisors \(Shareholders Rights\) Regulations 2019 \(S.I. 2019/926\)](#), regs. 1, **20, 28**

Changes to legislation: Financial Services and Markets Act 2000, SCHEDULE 1ZA is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- C21** Sch. 1ZA para. 19 modified (31.12.2020) by [The Credit Rating Agencies \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/266\)](#), regs. 1(3), **14(2)** (with savings in S.I. 2019/680, **reg. 11**); 2020 c. 1, **Sch. 5 para. 1(1)**
- C22** Sch. 1ZA paras. 19-21 applied (with modifications) (31.12.2020) by [The Over the Counter Derivatives, Central Counterparties and Trade Repositories \(Amendment, etc., and Transitional Provision\) \(EU Exit\) Regulations 2019 \(S.I. 2019/335\)](#), regs. 1(1), **78** (with savings in S.I. 2019/680, **reg. 11**); 2020 c. 1, **Sch. 5 para. 1(1)**
- C23** Sch. 1ZA paras. 19-21 applied (with modifications) (31.12.2020) by [The Transparency of Securities Financing Transactions and of Reuse \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/542\)](#), regs. 1, **39** (with savings in S.I. 2019/680, **reg. 11**); 2020 c. 1, **Sch. 5 para. 1(1)**
- C24** Sch. 1ZA paras. 19-21 applied (with modifications) (30.1.2024 for specified purposes) by [The Securitisation Regulations 2024 \(S.I. 2024/102\)](#), reg. 2(1)(e)(2), **Sch. 1 para. 16** (with reg. 52(3), Sch. 3)
- C25** Sch. 1ZA paras. 19-23 applied (with modifications) (5.4.2024) by [The Data Reporting Services Regulations 2024 \(S.I. 2024/107\)](#), regs. 1(2), **27**; S.I. 2023/1382, reg. 4(c)

- 20 (1) The FCA must in respect of each of its financial years pay to the Treasury its penalty receipts after deducting its enforcement costs.
- (2) The FCA's "penalty receipts" in respect of a financial year are any amounts received by it during the year by way of penalties imposed under this Act.
- (3) The FCA's "enforcement costs" in respect of a financial year are the expenses incurred by it during the year in connection with—
- the exercise, or consideration of the possible exercise, of any of its enforcement powers in particular cases, or
 - the recovery of penalties imposed under this Act [^{F37}or under a provision mentioned in sub-paragraph (4A)].
- (4) For this purpose the FCA's enforcement powers are—
- its powers under any of the provisions mentioned in section 133(7A),
 - its powers under section 56 (prohibition orders),
[its powers under section 143S (Part 9C prohibition orders),]
^{F38}(ba)
 - its powers under section 309B (Part 18 prohibition orders),]
^{F39}(bb)
 - its powers under Part 25 of this Act (injunctions and restitution),
[its powers under the relevant competition provisions (as applied by Part 16A
^{F40}(ca) of this Act),]
 - its powers under any other enactment specified by the Treasury by order,
 - its powers in relation to the investigation of relevant offences, and
 - its powers in England and Wales or Northern Ireland in relation to the prosecution of relevant offences.
- [The relevant competition provisions" are—
- ^{F41}(4A) (a) section 31E of the Competition Act 1998 (enforcement of commitments);
- section 34 of that Act (enforcement of directions);
 - section 36 of that Act (penalties);
 - section 40A of that Act (penalties: failure to comply with requirements);
 - section 174A of the Enterprise Act 2002 (penalties).]

- (5) "Relevant offences" are—

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- (a) offences under [^{F42}this Act],
 - (b) offences under subordinate legislation made under [^{F43}this Act],
 - (c) offences falling within section 402(1) ^{F44} ...,
 - [^{F45}(ca) offences under Part 1 of the Competition Act 1998,
 - (cb) offences under Part 4 of the Enterprise Act 2002,]
 - (d) offences under Part 7 of the Financial Services Act 2012, and
 - (e) any other offences specified by the Treasury by order.
- (6) The Treasury may give directions to the FCA as to how the FCA is to comply with its duty under sub-paragraph (1).
- (7) The directions may in particular—
- (a) specify descriptions of expenditure that are, or are not, to be regarded as incurred in connection with either of the matters mentioned in sub-paragraph (3),
 - (b) relate to the calculation and timing of the deduction in respect of the FCA's enforcement costs, and
 - (c) specify the time when any payment is required to be made to the Treasury.
- (8) The directions may also require the FCA to provide the Treasury at specified times with specified information relating to—
- (a) penalties that the FCA has imposed under this Act, or
 - (b) the FCA's enforcement costs.
- (9) The Treasury must pay into the Consolidated Fund any sums received by them under this paragraph.

Textual Amendments

- F37** Words in Sch. 1ZA para. 20(3)(b) inserted (1.3.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\), s. 148\(5\), Sch. 10 para. 4\(2\)](#); S.I. 2014/377, art. 2(1)(a), Sch. Pt. 1
- F38** Sch. 1ZA para. 20(4)(ba) inserted (1.7.2021) by [Financial Services Act 2021 \(c. 22\), s. 49\(5\), Sch. 2 para. 18](#) (with Sch. 2 Pt. 3); S.I. 2021/671, reg. 4(b)
- F39** Sch. 1ZA para. 20(4)(bb) inserted (29.6.2023 for specified purposes) by [Financial Services and Markets Act 2023 \(c. 29\), s. 86\(1\)\(e\), Sch. 10 para. 18\(2\)](#)
- F40** Sch. 1ZA para. 20(4)(ca) inserted (1.3.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\), s. 148\(5\), Sch. 10 para. 4\(3\)](#); S.I. 2014/377, art. 2(1)(a), Sch. Pt. 1
- F41** Sch. 1ZA para. 20(4A) inserted (1.3.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\), s. 148\(5\), Sch. 10 para. 4\(4\)](#); S.I. 2014/377, art. 2(1)(a), Sch. Pt. 1
- F42** Words in Sch. 1ZA para. 20(5)(a) substituted (1.3.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\), s. 148\(5\), Sch. 10 para. 4\(5\)\(a\)](#); S.I. 2014/377, art. 2(1)(a), Sch. Pt. 1
- F43** Words in Sch. 1ZA para. 20(5)(b) substituted (1.3.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\), s. 148\(5\), Sch. 10 para. 4\(5\)\(b\)](#); S.I. 2014/377, art. 2(1)(a), Sch. Pt. 1
- F44** Words in Sch. 1ZA para. 20(5)(c) omitted (1.3.2014) by virtue of [Financial Services \(Banking Reform\) Act 2013 \(c. 33\), s. 148\(5\), Sch. 10 para. 4\(5\)\(c\)](#); S.I. 2014/377, art. 2(1)(a), Sch. Pt. 1
- F45** Sch. 1ZA para. 20(5)(ca)(cb) inserted (1.3.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\), s. 148\(5\), Sch. 10 para. 4\(5\)\(d\)](#); S.I. 2014/377, art. 2(1)(a), Sch. Pt. 1

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Modifications etc. (not altering text)

- C13** Sch. 1ZA paras. 19-22 applied (with modifications) (E.W.) (9.7.2013) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Referral Fees\) Regulations 2013 \(S.I. 2013/1635\)](#), regs. 1, **7(2)**
- C14** Sch. 1ZA paras. 19-22 applied (with modifications) (12.12.2014) by [The Immigration Act 2014 \(Bank Accounts\) Regulations 2014 \(S.I. 2014/3085\)](#), regs. 1, **6**
- C15** Sch. 1ZA paras. 19-23 applied (with modifications) (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2017 \(S.I. 2017/701\)](#), reg. 1(2)(3)(4)(6), **Sch. 1 para. 25(1)** (with reg. 7)
- C16** Sch. 1ZA paras. 19-23 applied (with modifications) (3.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Data Reporting Services Regulations 2017 \(S.I. 2017/699\)](#), regs. 1(2) (a)(b), **40**
- C17** Sch. 1ZA paras. 19-23 applied (with modifications) (1.1.2018) by [The Packaged Retail and Insurance-based Investment Products Regulations 2017 \(S.I. 2017/1127\)](#), reg. 1, **Sch. 1 para. 9**
- C18** Sch. 1ZA paras. 19-23 applied (with modifications) (27.2.2018) by [The Financial Services and Markets Act 2000 \(Benchmarks\) Regulations 2018 \(S.I. 2018/135\)](#), regs. 1(2), **26**
- C19** Sch. 1ZA paras. 19-23 applied (with modifications) (1.1.2019) by [The Securitisation Regulations 2018 \(S.I. 2018/1288\)](#), reg. 1, **Sch. 1 para. 11** (with Sch. 1 paras. 13, 14)
- C20** Sch. 1ZA paras. 19-22 applied (with modifications) (10.6.2019) by [The Proxy Advisors \(Shareholders Rights\) Regulations 2019 \(S.I. 2019/926\)](#), regs. 1, **20**, **28**
- C22** Sch. 1ZA paras. 19-21 applied (with modifications) (31.12.2020) by [The Over the Counter Derivatives, Central Counterparties and Trade Repositories \(Amendment, etc., and Transitional Provision\) \(EU Exit\) Regulations 2019 \(S.I. 2019/335\)](#), regs. 1(1), **78** (with savings in S.I. 2019/680, **reg. 11**); 2020 c. 1, **Sch. 5 para. 1(1)**
- C23** Sch. 1ZA paras. 19-21 applied (with modifications) (31.12.2020) by [The Transparency of Securities Financing Transactions and of Reuse \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/542\)](#), regs. 1, **39** (with savings in S.I. 2019/680, **reg. 11**); 2020 c. 1, **Sch. 5 para. 1(1)**
- C24** Sch. 1ZA paras. 19-21 applied (with modifications) (30.1.2024 for specified purposes) by [The Securitisation Regulations 2024 \(S.I. 2024/102\)](#), reg. 2(1)(e)(2), **Sch. 1 para. 16** (with reg. 52(3), Sch. 3)
- C25** Sch. 1ZA paras. 19-23 applied (with modifications) (5.4.2024) by [The Data Reporting Services Regulations 2024 \(S.I. 2024/107\)](#), regs. 1(2), **27**; S.I. 2023/1382, reg. 4(c)
- C26** Sch. 1ZA para. 20 applied (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), regs. 1, **71(3)**
- C27** Sch. 1ZA para. 20 applied (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), arts. 1(5), **23(4)** (with Pt. 4)
- C28** Sch. 1ZA para. 20 modified (31.12.2020) by [The Credit Rating Agencies \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/266\)](#), regs. 1(3), **14(3)** (with savings in S.I. 2019/680, **reg. 11**); 2020 c. 1, **Sch. 5 para. 1(1)**

21 (1) The FCA must prepare and operate a scheme (“the financial penalty scheme”) for ensuring that the amounts that, as a result of the deduction for which paragraph 20(1) provides, are retained by the FCA in respect of amounts paid to it by way of penalties imposed under this Act are applied for the benefit of regulated persons.

(2) “Regulated persons” means—

- (a) authorised persons,
- (b) recognised investment exchanges,
- (c) issuers of securities admitted to the official list,^{F46} ... [^{F47}and]
- (d) issuers who have requested or approved the admission of financial instruments to trading on a regulated market,^{F48} ...

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^{F48}(e)

- (3) The financial penalty scheme may, in particular, make different provision with respect to different classes of regulated person.
- (4) The financial penalty scheme must ensure that those who have become liable to pay a penalty to the FCA in any financial year of the FCA do not receive any benefit under the scheme in the following financial year.
- (5) Up-to-date details of the financial penalty scheme must be set out in a document (“the scheme details”).

Textual Amendments

- F46** Word in Sch. 1ZA para. 21(2)(c) omitted (3.3.2015) by virtue of Pension Schemes Act 2015 (c. 8), s. 89(1)(a), **Sch. 3 para. 15(a)** (with s. 87)
- F47** Word in Sch. 1ZA para. 21(2)(c) inserted (1.1.2019) by Financial Guidance and Claims Act 2018 (c. 10), s. 37(5), **Sch. 3 para. 21(4)(a)**; S.I. 2018/1330, reg. 2(g)(vi)
- F48** Sch. 1ZA para. 21(2)(e) and word omitted (1.1.2019) by virtue of Financial Guidance and Claims Act 2018 (c. 10), s. 37(5), **Sch. 3 para. 21(4)(b)**; S.I. 2018/1330, reg. 2(g)(vi)

Modifications etc. (not altering text)

- C13** Sch. 1ZA paras. 19-22 applied (with modifications) (E.W.) (9.7.2013) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Referral Fees) Regulations 2013 (S.I. 2013/1635), regs. 1, **7(2)**
- C14** Sch. 1ZA paras. 19-22 applied (with modifications) (12.12.2014) by The Immigration Act 2014 (Bank Accounts) Regulations 2014 (S.I. 2014/3085), regs. 1, **6**
- C15** Sch. 1ZA paras. 19-23 applied (with modifications) (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 (S.I. 2017/701), reg. 1(2)(3)(4)(6), **Sch. 1 para. 25(1)** (with reg. 7)
- C16** Sch. 1ZA paras. 19-23 applied (with modifications) (3.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by The Data Reporting Services Regulations 2017 (S.I. 2017/699), regs. 1(2) (a)(b), **40**
- C17** Sch. 1ZA paras. 19-23 applied (with modifications) (1.1.2018) by The Packaged Retail and Insurance-based Investment Products Regulations 2017 (S.I. 2017/1127), reg. 1, **Sch. 1 para. 9**
- C18** Sch. 1ZA paras. 19-23 applied (with modifications) (27.2.2018) by The Financial Services and Markets Act 2000 (Benchmarks) Regulations 2018 (S.I. 2018/135), regs. 1(2), **26**
- C19** Sch. 1ZA paras. 19-23 applied (with modifications) (1.1.2019) by The Securitisation Regulations 2018 (S.I. 2018/1288), reg. 1, **Sch. 1 para. 11** (with Sch. 1 paras. 13, 14)
- C20** Sch. 1ZA paras. 19-22 applied (with modifications) (10.6.2019) by The Proxy Advisors (Shareholders Rights) Regulations 2019 (S.I. 2019/926), regs. 1, **20, 28**
- C22** Sch. 1ZA paras. 19-21 applied (with modifications) (31.12.2020) by The Over the Counter Derivatives, Central Counterparties and Trade Repositories (Amendment, etc., and Transitional Provision) (EU Exit) Regulations 2019 (S.I. 2019/335), regs. 1(1), **78** (with savings in S.I. 2019/680, **reg. 11**); 2020 c. 1, **Sch. 5 para. 1(1)**
- C23** Sch. 1ZA paras. 19-21 applied (with modifications) (31.12.2020) by The Transparency of Securities Financing Transactions and of Reuse (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/542), regs. 1, **39** (with savings in S.I. 2019/680, **reg. 11**); 2020 c. 1, **Sch. 5 para. 1(1)**
- C24** Sch. 1ZA paras. 19-21 applied (with modifications) (30.1.2024 for specified purposes) by The Securitisation Regulations 2024 (S.I. 2024/102), reg. 2(1)(e)(2), **Sch. 1 para. 16** (with reg. 52(3), Sch. 3)
- C25** Sch. 1ZA paras. 19-23 applied (with modifications) (5.4.2024) by The Data Reporting Services Regulations 2024 (S.I. 2024/107), regs. 1(2), **27**; S.I. 2023/1382, reg. 4(c)

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- C29** Sch. 1ZA para. 21 modified (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), arts. 1(5), **23(5)** (with Pt. 4)
- C30** Sch. 1ZA para. 21 modified (31.12.2020) by [The Credit Rating Agencies \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/266\)](#), regs. 1(3), **14(4)** (with savings in S.I. 2019/680, **reg. 11**); 2020 c. 1, **Sch. 5 para. 1(1)**

- 22 (1) The scheme details must be published by the FCA in the way appearing to it to be best calculated to bring them to the attention of the public.
- (2) Before making the financial penalty scheme, the FCA must publish a draft of the proposed scheme in the way appearing to the FCA to be best calculated to bring it to the attention of the public.
- (3) The draft must be accompanied by notice that representations about the proposals may be made to the FCA within a specified time.
- (4) Before making the scheme, the FCA must have regard to any representations made to it in accordance with sub-paragraph (3).
- (5) If the FCA makes the proposed scheme, it must publish an account, in general terms, of—
- (a) the representations made to it in accordance with sub-paragraph (3), and
 - (b) its response to them.
- (6) If the scheme differs from the draft published under sub-paragraph (2) in a way which is, in the opinion of the FCA, significant, the FCA must (in addition to complying with sub-paragraph (5)) publish details of the difference.
- (7) The FCA must, without delay, give the Treasury a copy of any scheme details published by it.
- (8) The FCA may charge a reasonable fee for providing a person with a copy of—
- (a) a draft published under sub-paragraph (2);
 - (b) scheme details.
- (9) Sub-paragraphs (2) to (6) and (8)(a) also apply to a proposal to alter or replace the financial penalty scheme.

Modifications etc. (not altering text)

- C13** Sch. 1ZA paras. 19-22 applied (with modifications) (E.W.) (9.7.2013) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Referral Fees\) Regulations 2013 \(S.I. 2013/1635\)](#), regs. 1, **7(2)**
- C14** Sch. 1ZA paras. 19-22 applied (with modifications) (12.12.2014) by [The Immigration Act 2014 \(Bank Accounts\) Regulations 2014 \(S.I. 2014/3085\)](#), regs. 1, **6**
- C15** Sch. 1ZA paras. 19-23 applied (with modifications) (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2017 \(S.I. 2017/701\)](#), reg. 1(2)(3)(4)(6), **Sch. 1 para. 25(1)** (with reg. 7)
- C16** Sch. 1ZA paras. 19-23 applied (with modifications) (3.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Data Reporting Services Regulations 2017 \(S.I. 2017/699\)](#), regs. 1(2) (a)(b), **40**
- C17** Sch. 1ZA paras. 19-23 applied (with modifications) (1.1.2018) by [The Packaged Retail and Insurance-based Investment Products Regulations 2017 \(S.I. 2017/1127\)](#), reg. 1, **Sch. 1 para. 9**

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- C18** Sch. 1ZA paras. 19-23 applied (with modifications) (27.2.2018) by [The Financial Services and Markets Act 2000 \(Benchmarks\) Regulations 2018 \(S.I. 2018/135\)](#), regs. 1(2), 26
- C19** Sch. 1ZA paras. 19-23 applied (with modifications) (1.1.2019) by [The Securitisation Regulations 2018 \(S.I. 2018/1288\)](#), reg. 1, **Sch. 1 para. 11** (with Sch. 1 paras. 13, 14)
- C20** Sch. 1ZA paras. 19-22 applied (with modifications) (10.6.2019) by [The Proxy Advisors \(Shareholders Rights\) Regulations 2019 \(S.I. 2019/926\)](#), regs. 1, 20, 28
- C25** Sch. 1ZA paras. 19-23 applied (with modifications) (5.4.2024) by [The Data Reporting Services Regulations 2024 \(S.I. 2024/107\)](#), regs. 1(2), 27; S.I. 2023/1382, reg. 4(c)

Fees

- 23 (1) The FCA may make rules providing for the payment to it of such fees, in connection with the discharge of any of its qualifying functions, as it considers will (taking account of its expected income from fees and charges provided for by any other provision of this Act [^{F49}other than sections [^{F50}137SA,][^{F51} 137SB]^{F52}... [^{F53}and 333T]]) enable it—
- (a) to meet expenses incurred in carrying out its functions [^{F54}, other than its excepted functions,] or for any incidental purpose,
 - (b) to repay the principal of, and pay any interest on, any relevant borrowing and to meet relevant commencement expenses, and
 - (c) to maintain adequate reserves.
- (2) The “qualifying functions” of the FCA are—
- (a) its functions under or as a result of this Act or any of the [^{F55}other enactments mentioned in section 1A(6)(a) to (ca)][^{F56}and (e)][^{F57}but not its excepted functions], and
 - (b) its functions under or as a result of a [^{F58}qualifying provision] that is specified, or of a description specified, for the purposes of this sub-paragraph by the Treasury by order.

[The “excepted functions” of the FCA are—

- ^{F59}(2ZA) ^{F60}(a)
- (b) its functions under [^{F61}section 333T] so far as relating to the collection of payments. [^{F62}, and
 - (c) its functions under [^{F63}sections 137SA and 137SB].]

[The functions referred to in sub-paragraph (1)(a) include functions of the FCA under ^{F64}(2A) the Competition Act 1998 or the Enterprise Act 2002 as a result of Part 16A of this Act; but this sub-paragraph is not to be regarded as limiting the effect of the definition of “functions” in paragraph 1.]

- (3) In sub-paragraph (1)(b)—

“relevant borrowing” means any money borrowed by the FCA which has been used for the purpose of meeting expenses incurred in relation to its assumption of functions under this Act, and

“relevant commencement expenses” means expenses incurred by the FCA—

- (a) in preparation for the exercise of functions by the FCA under this Act,
or

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- (b) for the purpose of facilitating the exercise by the FCA of those functions or otherwise in connection with their exercise by it.
- (4) Neither section 1A(6)(d) nor the definition of “functions” in paragraph 1 applies for the purposes of sub-paragraph (2).
- (5) For the purposes of sub-paragraph (3) it is irrelevant when the borrowing of the money, the incurring of the expenses or the assumption of functions took place (and, in particular, it is irrelevant if any of those things were done at a time when the FCA was known as the Financial Services Authority).
- (6) In the case of rules made under Part 6 of this Act, the rules may, in particular, require the payment of fees in respect of—
- (a) the continued inclusion of securities or persons in any list or register required to be kept by the FCA as a result of any provision made by or under that Part,
 - (b) access to any list or register within paragraph (a), and
 - (c) the continued admission of financial instruments to trading on a regulated market.
- (7) In fixing the amount of any fee which is to be payable to the FCA, no account is to be taken of any sums which the FCA receives, or expects to receive, by way of penalties imposed by it under this Act.
- (8) Any fee which is owed to the FCA under any provision made by or under this Act may be recovered as a debt due to the FCA.

Textual Amendments

- F49** Words in Sch. 1ZA para. 23(1) inserted (3.3.2015) by Pension Schemes Act 2015 (c. 8), s. 89(1)(a), **Sch. 3 para. 16(a)** (with s. 87)
- F50** Word in Sch. 1ZA para. 23(1) inserted (10.5.2018) by Financial Guidance and Claims Act 2018 (c. 10), s. 37(1)(e)(iv), **Sch. 3 para. 21(5)(a)(i)**
- F51** Word in Sch. 1ZA para. 23(1) inserted (1.10.2018) by Financial Guidance and Claims Act 2018 (c. 10), s. 37(5), **Sch. 3 para. 21(5)(a)(ii)**; S.I. 2018/1029, reg. 2(q)
- F52** Words in Sch. 1ZA para. 23(1) omitted (1.1.2019) by virtue of Financial Guidance and Claims Act 2018 (c. 10), s. 37(5), **Sch. 3 para. 21(5)(a)(iii)**; S.I. 2018/1330, reg. 2(g)(vi)
- F53** Words in Sch. 1ZA para. 23(1) substituted (6.7.2016) by Bank of England and Financial Services Act 2016 (c. 14), **ss. 29(6)(a)**, 41(3); S.I. 2016/627, reg. 2(1)(w)
- F54** Words in Sch. 1ZA para. 23(1)(a) inserted (3.3.2015) by Pension Schemes Act 2015 (c. 8), s. 89(1)(a), **Sch. 3 para. 16(b)** (with s. 87)
- F55** Words in Sch. 1ZA para. 23(2)(a) substituted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 1 para. 33**
- F56** Words in Sch. 1ZA para. 23(2)(a) inserted (26.10.2018) by The Financial Regulators Powers (Technical Standards etc.) (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1115), regs. 1(2), **7(9)(b)**
- F57** Words in Sch. 1ZA para. 23(2)(a) inserted (3.3.2015) by Pension Schemes Act 2015 (c. 8), s. 89(1)(a), **Sch. 3 para. 16(c)** (with s. 87)
- F58** Words in Sch. 1ZA para. 23(2)(b) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **93**; 2020 c. 1, Sch. 5 para. 1(1)
- F59** Sch. 1ZA para. 23(2ZA) inserted (3.3.2015) by Pension Schemes Act 2015 (c. 8), s. 89(1)(a), **Sch. 3 para. 16(d)** (with s. 87)
- F60** Sch. 1ZA para. 23(2ZA)(a) omitted (1.1.2019) by virtue of Financial Guidance and Claims Act 2018 (c. 10), s. 37(5), **Sch. 3 para. 21(5)(b)(i)**; S.I. 2018/1330, reg. 2(g)(vi)

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- F61** Words in Sch. 1ZA para. 23(2ZA)(b) substituted (1.1.2019) by [Financial Guidance and Claims Act 2018 \(c. 10\), s. 37\(5\), Sch. 3 para. 21\(5\)\(b\)\(ii\)](#); S.I. 2018/1330, reg. 2(g)(vi)
- F62** Sch. 1ZA para. 23(2ZA)(c) and word inserted (10.5.2018) by [Financial Guidance and Claims Act 2018 \(c. 10\), s. 37\(1\)\(e\)\(iv\), Sch. 3 para. 21\(5\)\(b\)\(iii\)](#)
- F63** Words in Sch. 1ZA para. 23(2ZA)(c) substituted (1.10.2018) by [Financial Guidance and Claims Act 2018 \(c. 10\), s. 37\(5\), Sch. 3 para. 21\(5\)\(b\)\(iv\)](#); S.I. 2018/1029, reg. 2(q)
- F64** Sch. 1ZA para. 23(2A) inserted (1.11.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\), s. 148\(5\), Sch. 8 para. 7\(3\)](#); S.I. 2014/2458, art. 2(b)(bb)(ii)

Modifications etc. (not altering text)

- C15** Sch. 1ZA paras. 19-23 applied (with modifications) (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2017 \(S.I. 2017/701\), reg. 1\(2\)\(3\)\(4\)\(6\), Sch. 1 para. 25\(1\)](#) (with reg. 7)
- C16** Sch. 1ZA paras. 19-23 applied (with modifications) (3.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Data Reporting Services Regulations 2017 \(S.I. 2017/699\), regs. 1\(2\)\(a\)\(b\), 40](#)
- C17** Sch. 1ZA paras. 19-23 applied (with modifications) (1.1.2018) by [The Packaged Retail and Insurance-based Investment Products Regulations 2017 \(S.I. 2017/1127\), reg. 1, Sch. 1 para. 9](#)
- C18** Sch. 1ZA paras. 19-23 applied (with modifications) (27.2.2018) by [The Financial Services and Markets Act 2000 \(Benchmarks\) Regulations 2018 \(S.I. 2018/135\), regs. 1\(2\), 26](#)
- C19** Sch. 1ZA paras. 19-23 applied (with modifications) (1.1.2019) by [The Securitisation Regulations 2018 \(S.I. 2018/1288\), reg. 1, Sch. 1 para. 11](#) (with Sch. 1 paras. 13, 14)
- C25** Sch. 1ZA paras. 19-23 applied (with modifications) (5.4.2024) by [The Data Reporting Services Regulations 2024 \(S.I. 2024/107\), regs. 1\(2\), 27](#); S.I. 2023/1382, reg. 4(c)
- C31** Sch. 1ZA para. 23 extended (with modifications) by S.I. 2012/3122, reg. 14 (as amended) (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\), Sch. 2 para. 248\(3\)](#)
- C32** Sch. 1ZA para. 23 modified by S.I. 2009/209, reg. 92(1) (as amended) (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\), Sch. 2 para. 155\(3\)\(a\)](#) (with Sch. 2 para. 156)
- C33** Sch. 1ZA para. 23 applied (with modifications) by S.I. 2008/346, Sch. para. 5 (as substituted) (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\), Sch. 2 para. 134\(g\)\(iii\)](#)
- C34** Sch. 1ZA para. 23 extended (with modifications) by S.I. 2011/99, reg. 59(1) (as amended) (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\), Sch. 2 para. 196\(3\)](#)
- C35** Sch. 1ZA para. 23 applied (with modifications) (12.12.2014) by [The Immigration Act 2014 \(Bank Accounts\) Regulations 2014 \(S.I. 2014/3085\), regs. 1, 7](#)
- C36** Sch. 1ZA para. 23 modified (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\), arts. 1\(5\), 25\(a\)](#) (with Pt. 4)
- C37** Sch. 1ZA para. 23 modified (1.1.2016) by [The Small and Medium Sized Business \(Credit Information\) Regulations 2015 \(S.I. 2015/1945\), regs. 1\(2\), 21\(1\)\(2\)](#) (with reg. 21(3)(4))
- C38** Sch. 1ZA para. 23 applied (with modifications) (1.1.2016) by [The Small and Medium Sized Business \(Finance Platforms\) Regulations 2015 \(S.I. 2015/1946\), regs. 1\(2\), 18\(1\)\(2\)](#) (with reg. 18(3)(4))
- C39** Sch. 1ZA para. 23 modified (18.9.2016) by [The Payment Accounts Regulations 2015 \(S.I. 2015/2038\), regs. 1\(2\)\(b\), 39](#)
- C40** Sch. 1ZA para. 23 modified (13.8.2017) by [The Payment Services Regulations 2017 \(S.I. 2017/752\), regs. 1\(2\)\(a\), 118\(1\)](#) (with reg. 3)
- C41** Sch. 1ZA para. 23 modified (10.5.2018) by [Financial Guidance and Claims Act 2018 \(c. 10\), s. 37\(1\)\(f\), Sch. 5 para. 13](#)

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- C42** Sch. 1ZA para. 23 modified (E.W.) (6.10.2018) by [Financial Guidance and Claims Act 2018 \(c. 10\), s. 37\(5\), Sch. 4 para. 8\(2\)](#); S.I. 2018/1045, reg. 2(b)
- C43** Sch. 1ZA para. 23 applied (with modifications) (10.6.2019) by [The Proxy Advisors \(Shareholders Rights\) Regulations 2019 \(S.I. 2019/926\)](#), regs. 1, **20**, 28
- C44** Sch. 1ZA para. 23(6) applied by 2009 c. 1, s. 39B(2) (as inserted (1.1.2015) by [The Bank Recovery and Resolution Order 2014 \(S.I. 2014/3329\)](#), arts. 1(2), **39**)
- C45** Sch. 1ZA para. 23(6) applied by 2009 c. 1, s. 48L(6A) (as inserted (1.1.2015) by [The Bank Recovery and Resolution Order 2014 \(S.I. 2014/3329\)](#), arts. 1(2), **53(6)**)

Services for which fees may not be charged

- 24 The power conferred by paragraph 23 may not be used to require—
- ^{F65}(a)
- (b) a fee to be paid by any person whose application for approval under section 59 has been granted.
- [^{F66}(c) a fee to be paid by any person whose application under section 309I for approval under section 309G has been granted.]

Textual Amendments

- F65** Sch. 1ZA para. 24(a) omitted (31.12.2020) by virtue of [The EEA Passport Rights \(Amendment, etc., and Transitional Provisions\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1149\)](#), reg. 1(3), **Sch. para. 21** (with reg. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F66** Sch. 1ZA para. 24(c) inserted (29.6.2023 for specified purposes) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(1)(e), **Sch. 10 para. 18(3)**

PART 4

MISCELLANEOUS

Modifications etc. (not altering text)

- C46** Sch. 1ZA Pt. 4 modified (26.6.2017) by [The Money Laundering, Terrorist Financing and Transfer of Funds \(Information on the Payer\) Regulations 2017 \(S.I. 2017/692\)](#), regs. 1(2), **46(9)**, 63(8) (with regs. 8, 15)

Exemption from liability in damages

- 25 (1) None of the following is to be liable in damages for anything done or omitted in the discharge, or purported discharge, of the FCA's functions—
- (a) the FCA;
- (b) any person (“P”) who is, or is acting as, a member, officer or member of staff of the FCA;
- (c) any person who could be held vicariously liable for things done or omitted by P, but only in so far as the liability relates to P's conduct.

[In sub-paragraph (1) the reference to the FCA's functions includes its functions under ^{F67}(1A)

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- [Part 5 of the Financial Services (Banking Reform) Act 2013 (regulation of
F68(a)] payment systems),
[Part 3 of the Finance Act 2022 (economic crime (anti-money laundering)
F69(b) levy).]]

- (2) Anything done or omitted by a person mentioned in sub-paragraph (1)(a) or (b) while acting, or purporting to act, as a result of an appointment under any of sections 166 to 169 is to be taken for the purposes of sub-paragraph (1) to have been done or omitted in the discharge, or as the case may be purported discharge, of the FCA's functions.
- (3) Sub-paragraph (1) does not apply—
- if the act or omission is shown to have been in bad faith, or
 - so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 1998.

Textual Amendments

- F67** Sch. 1ZA para. 25(1A) inserted (1.3.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\)](#), ss. [109\(1\)](#), [148\(5\)](#); S.I. 2014/377, art. [2\(1\)\(a\)](#), Sch. Pt. 1
- F68** Words in [Sch. 1ZA para. 25\(1A\)](#) renumbered as [Sch. 1ZA para. 25\(1A\)\(a\)](#) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Economic Crime \(Anti-Money Laundering\) Levy \(Amendment\) Regulations 2023 \(S.I. 2023/369\)](#), regs. [1\(2\)](#), [13\(a\)](#)
- F69** [Sch. 1ZA para. 25\(1A\)\(b\)](#) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Economic Crime \(Anti-Money Laundering\) Levy \(Amendment\) Regulations 2023 \(S.I. 2023/369\)](#), regs. [1\(2\)](#), [13\(b\)](#)

Modifications etc. (not altering text)

- C47** [Sch. 1ZA para. 25](#) applied (20.2.2013) by [The Financial Services Act 2012 \(Transitional Provisions\) \(Rules and Miscellaneous Provisions\) Order 2013 \(S.I. 2013/161\)](#), arts. [1\(1\)](#), [7\(3\)\(c\)](#)
- C48** [Sch. 1ZA para. 25](#) modified by S.I. 2008/346, reg. 45 (as amended) (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), [Sch. 2 para. 134\(f\)](#)
- C49** [Sch. 1ZA para. 25](#) applied by S.I. 2012/3122, reg. 16 (as amended) (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), [Sch. 2 para. 248\(4\)](#)
- C50** [Sch. 1ZA para. 25](#) extended by S.I. 2011/99, reg. 61 (as amended) (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), [Sch. 2 para. 196\(4\)](#)
- C51** [Sch. 1ZA para. 25](#) modified by S.I. 2009/209, reg. 94 (as amended) (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), [Sch. 2 para. 155\(4\)](#) (with [Sch. 2 para. 156](#))
- C52** [Sch. 1ZA para. 25](#) modified (E.W.) (9.7.2013) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Referral Fees\) Regulations 2013 \(S.I. 2013/1635\)](#), regs. [1](#), [8](#)
- C53** [Sch. 1ZA para. 25](#) applied (with modifications) (12.12.2014) by [The Immigration Act 2014 \(Bank Accounts\) Regulations 2014 \(S.I. 2014/3085\)](#), regs. [1](#), [8](#)
- C54** [Sch. 1ZA para. 25](#) modified (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), arts. [1\(5\)](#), [25\(b\)](#) (with Pt. 4)
- C55** [Sch. 1ZA para. 25](#) modified (1.1.2016) by [The Small and Medium Sized Business \(Credit Information\) Regulations 2015 \(S.I. 2015/1945\)](#), regs. [1\(2\)](#), [22](#)

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- C56** Sch. 1ZA para. 25 modified (18.9.2016) by [The Payment Accounts Regulations 2015 \(S.I. 2015/2038\)](#), regs. 1(2)(b), **41**
- C57** Sch. 1ZA para. 25 applied (with modifications) (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2017 \(S.I. 2017/701\)](#), reg. 1(2)(3)(4)(6), **Sch. 1 para. 25** (with reg. 7)
- C58** Sch. 1ZA para. 25 applied (with modifications) (3.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Data Reporting Services Regulations 2017 \(S.I. 2017/699\)](#), regs. 1(2)(a)(b), **40**
- C59** Sch. 1ZA para. 25 modified (13.8.2017) by [The Payment Services Regulations 2017 \(S.I. 2017/752\)](#), regs. 1(2)(a), **121** (with reg. 3)
- C60** Sch. 1ZA para. 25 modified (1.1.2018) by [The Packaged Retail and Insurance-based Investment Products Regulations 2017 \(S.I. 2017/1127\)](#), reg. 1, **Sch. 1 para. 10**
- C61** Sch. 1ZA para. 25 applied (with modifications) (27.2.2018) by [The Financial Services and Markets Act 2000 \(Benchmarks\) Regulations 2018 \(S.I. 2018/135\)](#), regs. 1(2), **26**
- C62** Sch. 1ZA para. 25 modified by S.I. 2018/1149, reg. 65 (as inserted (1.3.2019) by [The Financial Services Contracts \(Transitional and Saving Provision\) \(EU Exit\) Regulations 2019 \(S.I. 2019/405\)](#), regs. 1(2), **3**)
- C63** Sch. 1ZA para. 25 applied (with modifications) (10.6.2019) by [The Proxy Advisors \(Shareholders Rights\) Regulations 2019 \(S.I. 2019/926\)](#), regs. 1, **20, 28**
- C64** Sch. 1ZA para. 25 applied (with modifications) (5.4.2024) by [The Data Reporting Services Regulations 2024 \(S.I. 2024/107\)](#), regs. 1(2), **27**; S.I. 2023/1382, reg. 4(c)

Accredited financial investigators

- 26 For the purposes of this Act anything done by an accredited financial investigator within the meaning of the Proceeds of Crime Act 2002 who—
- (a) is, or is acting as, an officer of, or member of the staff of, the FCA, or
 - (b) is appointed by the FCA under section 97, 167 or 168 to conduct an investigation,
- is to be treated as done in the exercise or discharge of a function of the FCA.

Amounts required by rules to be paid to the FCA

- 27 Any amount (other than a fee) which is required by rules to be paid to the FCA may be recovered as a debt due to the FCA.]

[^{F70}Engagement with Parliamentary Committees

Textual Amendments

- F70** Sch. 1ZA paras. 28, 29 and cross-heading inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), **ss. 38(2)**, 86(3); S.I. 2023/779, reg. 4(bb)

- 28 (1) This paragraph applies where the FCA issues a relevant consultation.
- (2) For the purposes of this paragraph the FCA issues a relevant consultation if it—
- (a) publishes a draft of proposed rules under section 138I,
 - (b) publishes a proposal under a duty imposed by another provision of this Act or by any other enactment, or
 - (c) publishes other proposals about the exercise of any of its general functions.

Changes to legislation: *Financial Services and Markets Act 2000, SCHEDULE 1ZA is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (3) The FCA must, as soon as reasonably practicable after issuing the consultation, notify in writing the chair of each relevant Parliamentary Committee that the consultation has been issued.
 - (4) The notification must specify the parts of the consultation (if any) that address the ways in which the proposals subject to consultation—
 - (a) advance the FCA’s operational objectives,
 - (b) are compatible with the FCA’s strategic objective,
 - (c) demonstrate that the FCA has had regard to the regulatory principles in section 3B when preparing the proposals, and
 - (d) engage with matters to which the FCA must have regard under regulations made under section 138EA.
 - (5) The reference in sub-paragraph (4)(a) to the FCA’s operational objectives includes, in its application as a secondary objective, the competitiveness and growth objective (see section 1EB).
 - (6) The notification must also specify any other part of the consultation which the FCA considers should be drawn to the attention of the relevant Parliamentary Committees.
 - (7) References in this paragraph to the relevant Parliamentary Committees are references to—
 - (a) the Treasury Committee of the House of Commons,
 - (b) the Committee of the House of Lords which—
 - (i) is charged with responsibility by that House for the purposes of this paragraph, and
 - (ii) has notified the FCA that it is a relevant Parliamentary Committee for those purposes, and
 - (c) the Joint Committee of both Houses which—
 - (i) is charged with responsibility by those Houses for the purposes of this paragraph, and
 - (ii) has notified the FCA that it is a relevant Parliamentary Committee for those purposes.
 - (8) References in this paragraph to the Treasury Committee of the House of Commons—
 - (a) if the name of that Committee is changed, are references to that Committee by its new name, and
 - (b) if the functions of that Committee (or substantially corresponding functions) become functions of a different Committee of the House of Commons, are to be treated as references to the Committee by which the functions are exercisable.
 - (9) Any question arising under sub-paragraph (8) is to be determined by the Speaker of the House of Commons.
- 29 (1) This paragraph applies where—
 - (a) the FCA issues a public consultation, and
 - (b) a Committee of the House of Commons or the House of Lords, or a joint Committee of both Houses, has provided to the FCA representations in response to the consultation.

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- (2) For the purposes of this paragraph, the FCA issues a public consultation if it publishes the draft of any proposals for the purpose of bringing them to the attention of the public (whether or not under a duty to do so imposed by an enactment).
- (3) The FCA must give to the chair of the Committee concerned a written response to the representations.
- (4) The duty to respond imposed by sub-paragraph (3) applies only so far as the FCA would not be under a corresponding duty to do so imposed by another enactment.
- (5) The FCA is not required under sub-paragraph (3) to provide any information whose publication would in the opinion of the FCA be against the public interest.]

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 1ZA para. 24(c) and word inserted by 2021 c. 22 Sch. 8 para. 17

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by S.I. 2023/1347 reg. 8
- Act power to apply conferred (temp. until 15.5.2039) by 2014 c. 21 s. 79(4)
- Act power to apply conferred (temp. until 15.5.2039) by 2014 c. 21 s. 81(10)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 17 Ch. 3B inserted by 2023 c. 29 s. 64(3)
- Pt. 20C inserted by 2016 c. 14 s. 30(3)
- s. 31(1)(aa) inserted by 2021 c. 22 s. 22(2)
- s. 32A inserted by 2021 c. 22 s. 22(3)
- s. 32A power to apply (with modifications) conferred by 2021 c. 22 s. 23(10)
- s. 36A and cross-heading inserted by 2021 c. 22 s. 22(4)
- s. 71J and cross-heading inserted by 2021 c. 22 Sch. 8 para. 4
- s. 86(9A) inserted by S.I. 2019/707 reg. 8(9) (This amendment not applied to legislation.gov.uk. Reg. 8(6)-(10) omitted (6.9.2019) by virtue of S.I. 2019/1234, regs. 1(2), 13(c))
- s. 87A(11) inserted by S.I. 2019/707 reg. 10(5) (This amendment not applied to legislation.gov.uk. Reg. 10(4)(5) omitted (6.9.2019) by virtue of S.I. 2019/1234, regs. 1(2), 15(b))
- s. 124(10)(c)(i) word omitted by S.I. 2019/310 reg. 5(11)(b) (This amendment not applied to legislation.gov.uk. Reg. 5(11)(b) omitted immediately before IP completion day by virtue of S.I. 2020/1385, regs. 1(4), 51(2)(e))
- s. 129(7)(a) word inserted by S.I. 2019/310 reg. 5(12)(a)(i) (This amendment not applied to legislation.gov.uk. Reg. 5(12)(a)(b) omitted immediately before IP completion day by virtue of S.I. 2020/1385, regs. 1(4), 51(2)(f))
- s. 129(7)(c) omitted and word by S.I. 2019/310 reg. 5(12)(a)(ii) (This amendment not applied to legislation.gov.uk. Reg. 5(12)(a)(b) omitted immediately before IP completion day by virtue of S.I. 2020/1385, regs. 1(4), 51(2)(f))
- s. 214(5A) inserted by 2021 c. 22 Sch. 8 para. 8
- s. 261E(A1) inserted by 2023 c. 29 s. 64(2)(a)
- s. 367A inserted by 2021 c. 22 Sch. 8 para. 10
- s. 395(13)(h)(i) inserted by 2021 c. 22 Sch. 8 para. 12(2)(c)
- s. 395(13)(bc)-(be) word inserted by 2021 c. 22 Sch. 8 para. 12(2)(b)
- s. 395(14) inserted by 2021 c. 22 Sch. 8 para. 12(3)
- s. 427A(3) words substituted by 2002 c. 40 Sch. 17 para. 59 (This amendment not applied to legislation.gov.uk. The Financial Services and Markets Act 2000 does not contain a section 427A.)
- Sch. 1ZA para. 32(c) and word inserted by 2021 c. 22 Sch. 8 para. 18
- Sch. 2A para. 19(2)(b)(iia) inserted by 2023 c. 29 Sch. 10 para. 19(a)
- Sch. 2A2B power to apply (with modifications) conferred by 2021 c. 22 s. 23(10)
- Sch. 2A power to apply (with modifications) conferred by 2021 c. 22 s. 23(10)
- Sch. 2B inserted by 2021 c. 22 Sch. 7
- Sch. 2B power to apply (with modifications) conferred by 2021 c. 22 s. 23(10)

- Sch. 11A para. 5(3) inserted by [S.I. 2019/707 reg. 38\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 38(2)-(5)(7)(8) omitted (6.9.2019) by virtue of S.I. 2019/1234, regs. 1(2), 20)
- Sch. 17A para. 12 words substituted by [S.I. 2019/662 reg. 13\(1\)](#) (This amendment not applied to legislation.gov.uk. Reg. 13(1) substituted (25.6.2020) by S.I. 2020/646, regs. 1(2)(c), 11(3))