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**Changes to legislation:** Financial Services Act 2012, Section 33 is up to date with all changes known to be in force on or before 22 February 2018. 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)

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## SCHEDULES

### SCHEDULE 4

#### EEA PASSPORT RIGHTS AND TREATY RIGHTS

#### PART 4

##### AMENDMENTS OF PART 13 OF FSMA 2000: POWERS OF INTERVENTION

- 33 (1) Section 194A (contravention by relevant EEA firm with UK branch of requirement under markets in financial instruments directive) is amended as follows.
- (2) For “the Authority” or “the Authority's”, in each place, substitute “ the appropriate regulator ” or “the appropriate regulator's”.
- (3) After subsection (8) insert—
- “(9) Subsection (4) is not to be regarded as requiring the PRA to take action in relation to the contravention of a requirement falling within subsection (3) in a case where it is satisfied that the FCA is required to act, and is acting or has acted, under subsection (4)—
- (a) in relation to that requirement, or
- (b) where that requirement is imposed by rules made by the PRA, in relation to an identical requirement imposed by rules made by the FCA.
- (10) “The appropriate regulator” means—
- (a) where the relevant EEA firm is a PRA-authorised person, the FCA or, subject to subsection (9), the PRA;
- (b) in any other case, the FCA.”
- (4) In the heading, for “Authority” substitute “ appropriate regulator ”.

#### Annotations:

#### Commencement Information

- I1** Sch. 4 para. 33 in force at 27.2.2013 for specified purposes by S.I. 2013/423, art. 2
- I2** Sch. 4 para. 33 in force at 1.4.2013 in so far as not already in force by S.I. 2013/423, art. 3, Sch.

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

- Act power to apply conferred (temp.) by [2014 c. 21 s. 79\(4\)](#)
- Act power to apply conferred (temp.) by [2014 c. 21 s. 81\(10\)](#)