



Financial Services and Markets Act 2000

2000 CHAPTER 8

PART XIV

DISCIPLINARY MEASURES

Modifications etc. (not altering text)

C1 Pt. XIV (ss. 205-211) applied (1.12.2001) by [1951 c. 65, s. 57\(5\)](#) (as substituted (1.12.2001) by [S.I. 2001/3647, art. 5, Sch. 3 Pt. I para. 5\(3\)](#))

[^{F1}204A Meaning of “relevant requirement” and “appropriate regulator”

- (1) The following definitions apply for the purposes of this Part.
- (2) “Relevant requirement” means a requirement imposed—
 - (a) by or under this Act, or
 - (b) by a qualifying EU provision specified, or of a description specified, for the purposes of this subsection by the Treasury by order.
- (3) The PRA is “the appropriate regulator” in the case of a contravention of—
 - (a) a requirement that is imposed under any provision of this Act by the PRA;
 - (b) a requirement under section 56(6) where the authorised person concerned is a PRA-authorised person and the prohibition order concerned is made by the PRA;
 - (c) a requirement under section 59(1) or (2) where the authorised person concerned is a PRA-authorised person and the approval concerned falls to be given by the PRA.
- (4) In the case of a contravention of a requirement that is imposed by a qualifying EU provision, “the appropriate regulator” for the purpose of any provision of this Part is whichever of the PRA or the FCA (or both) is specified by the Treasury by order in relation to the qualifying EU provision for the purposes of that provision of this Part.

Status: Point in time view as at 27/02/2013.

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- (5) In the case of a contravention of a requirement where the contravention constitutes an offence, the “appropriate regulator” is whichever of the PRA or the FCA has power to prosecute the offence (see section 401).
- (6) The FCA is “the appropriate regulator” in the case of a contravention of any other requirement imposed by or under this Act.
- (7) The Treasury may by order amend the provisions defining “the appropriate regulator”.]

Textual Amendments

- F1** S. 204A inserted (24.1.2013 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. 9 para. 10](#) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(b), Sch. Pt. 2; S.I. 2013/423, art. 3, Sch.

205 Public censure.

If the Authority considers that an authorised person has contravened a requirement imposed on him by or under this Act [^{F2}or by any directly applicable Community regulation [^{F3}or decision] made under the markets in financial instruments directive [^{F4}or the UCITS directive][^{F5}or by the emission allowance auctioning regulation],] the Authority may publish a statement to that effect.

Textual Amendments

- F2** Words in s. 205 inserted (1.4.2007 for certain purposes and 1.11.2007 otherwise) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2007 \(S.I. 2007/126\)](#), regs. 1(2), 3(5), [Sch. 5 para. 10](#)
- F3** Words in s. 205 inserted (1.7.2011) by The Undertakings for Collective Investment in [Transferable Securities Regulations 2011 \(S.I. 2011/1613\)](#), [reg. 2\(11\)\(a\)](#)
- F4** Words in s. 205 inserted (1.7.2011) by The Undertakings for Collective Investment in [Transferable Securities Regulations 2011 \(S.I. 2011/1613\)](#), [reg. 2\(11\)\(b\)](#)
- F5** Words in s. 205 inserted (20.7.2012) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2012 \(S.I. 2012/1906\)](#), arts. 1, [3\(8\)](#)

Modifications etc. (not altering text)

- C2** S. 205 modified (1.12.2001) by [S.I. 2001/2657](#), [arts. 1\(1\)](#), 6, 7 (which was revoked (8.10.2001) by [S.I. 2001/3083](#), [arts. 1\(2\)](#), 23); [S.I. 2001/3538](#), [art. 2\(1\)](#)
S. 205 modified (1.12.2001) by [S.I. 2001/3083](#), [arts. 1\(1\)](#), 6, 7; [S.I. 2001/3538](#), [art. 2\(1\)](#)
S. 205 excluded (1.12.2001) by [S.I. 2001/3592](#), [arts. 1\(2\)](#), 107(1) (with [art. 23\(2\)](#))
- C3** S. 205 modified (18.7.2002 for certain purposes and 21.8.2002 otherwise) by [The Electronic Commerce Directive \(Financial Services and Markets\) Regulations 2002 \(S.I. 2002/1775\)](#), regs. 1, [12\(1\)](#)

206 Financial penalties.

- (1) If the Authority considers that an authorised person has contravened a requirement imposed on him by or under this Act, [^{F6}or by any directly applicable Community regulation [^{F7}or decision] made under the markets in financial instruments directive [^{F8}or the UCITS directive][^{F9}or by the emission allowance auctioning regulation],] it

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may impose on him a penalty, in respect of the contravention, of such amount as it considers appropriate.

(2) ^{F10}

(3) A penalty under this section is payable to the Authority.

Textual Amendments

- F6** Words in s. 206(1) inserted (1.4.2007 for certain purposes and 1.11.2007 otherwise) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2007](#) (S.I. 2007/126), regs. 1(2), 3(5), [Sch. 5 para. 11](#)
- F7** Words in s. 206(1) inserted (1.7.2011) by The Undertakings for Collective Investment in [Transferable Securities Regulations 2011](#) (S.I. 2011/1613), [reg. 2\(11\)\(a\)](#)
- F8** Words in s. 206(1) inserted (1.7.2011) by The Undertakings for Collective Investment in [Transferable Securities Regulations 2011](#) (S.I. 2011/1613), [reg. 2\(11\)\(b\)](#)
- F9** Words in s. 206(1) inserted (20.7.2012) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2012](#) (S.I. 2012/1906), arts. 1, [3\(9\)](#)
- F10** S. 206(2) omitted (8.6.2010) by virtue of [Financial Services Act 2010](#) (c. 28), [ss. 10](#), 26(2)

Modifications etc. (not altering text)

- C4** S. 206 excluded (1.12.2001) by [S.I. 2001/3592](#), [arts. 1\(2\)](#), 107(1) (with [art. 23\(2\)](#))
S. 206 restricted (1.12.2001) by [S.I. 2001/3592](#), [arts. 1\(2\)](#), 60(2) (with [art. 23\(2\)](#))
S. 206 modified (1.12.2001) by [S.I. 2001/2657](#), [arts. 1\(1\)](#), 8 (which was revoked (8.10.2001) by [S.I. 2001/3083](#), [arts. 1\(2\)](#), 23); [S.I. 2001/3538](#), [art. 2\(1\)](#)
S. 206 modified (1.12.2001) by [S.I. 2001/3083](#), [arts. 1\(2\)](#), 8; [S.I. 2001/3538](#), [art. 2\(1\)](#)
- C5** S. 206 modified (18.7.2002 for certain purposes and 21.8.2002 otherwise) by [The Electronic Commerce Directive \(Financial Services and Markets\) Regulations 2002](#) (S.I. 2002/1775), regs. 1, [12\(1\)](#)

[^{F11}206A] Suspending permission to carry on regulated activities etc

(1) If the Authority considers that an authorised person has contravened a relevant requirement imposed on the person, it may—

- (a) suspend, for such period as it considers appropriate, any permission which the person has to carry on a regulated activity; or
- (b) impose, for such period as it considers appropriate, such limitations or other restrictions in relation to the carrying on of a regulated activity by the person as it considers appropriate.

(2) In subsection (1)—

“ permission ” means any permission that the authorised person has, whether given (or treated as given) by the Authority or conferred by any provision of this Act;

“ relevant requirement ” means a requirement imposed—

- (a) by or under this Act; ^{F12} . . .
- (b) by any directly applicable Community regulation made under the markets in financial instruments directive.
- (c) [^{F13} by the Payment Services Regulations 2009; ^{F14} . . .
- (d) by the Electronic Money Regulations 2011] ^{F15}

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- (e) [^{F16} by any directly applicable Community regulation or decision made under the UCITS directive][^{F17}]; or
 - (f) by the emission allowance auctioning regulation.]
- (3) The period for which a suspension or restriction is to have effect may not exceed 12 months.
- (4) A suspension may relate only to the carrying on of an activity in specified circumstances.
- (5) A restriction may, in particular, be imposed so as to require the person concerned to take, or refrain from taking, specified action.
- (6) The Authority may—
- (a) withdraw a suspension or restriction; or
 - (b) vary a suspension or restriction so as to reduce the period for which it has effect or otherwise to limit its effect.
- (7) The power under this section may (but need not) be exercised so as to have effect in relation to all the regulated activities that the person concerned carries on.
- (8) Any one or more of the powers under—
- (a) subsection (1)(a) and (b) of this section, and
 - (b) sections 205 and 206,
- may be exercised in relation to the same contravention.]

Textual Amendments

- F11** S. 206A inserted (8.6.2010) by [Financial Services Act 2010 \(c. 28\)](#), **ss. 9, 26(2)**
- F12** S. 206A(2): word in definition of "relevant requirement" omitted (9.2.2011 for certain purposes and 30.4.2011 otherwise) by virtue of [The Electronic Money Regulations 2011 \(S.I. 2011/99\)](#), **regs. 1(2)(a)(xv)(b), 79, Sch. 4 para. 2(2)** (with **reg. 3**)
- F13** S. 206A(2)(c)(d) inserted (9.2.2011 for certain purposes and 30.4.2011 otherwise) by [The Electronic Money Regulations 2011 \(S.I. 2011/99\)](#), **regs. 1(2)(a)(xv)(b), 79, Sch. 4 para. 2(2)** (with **reg. 3**)
- F14** S. 206A(2): definition of "relevant requirement" para. (c) word omitted (1.7.2011) by The Undertakings for Collective Investment in [Transferable Securities Regulations 2011 \(S.I. 2011/1613\)](#), **reg. 2(12)(a)**
- F15** Word in s. 206A(2) omitted (20.7.2012) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2012 \(S.I. 2012/1906\)](#), **arts. 1, 3(10)**
- F16** S. 206A(2): definition of "relevant requirement" para. (e) inserted (1.7.2011) by The Undertakings for Collective Investment in [Transferable Securities Regulations 2011 \(S.I. 2011/1613\)](#), **reg. 2(12)(c)**
- F17** S. 206A(2)(f) and preceding word inserted (20.7.2012) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2012 \(S.I. 2012/1906\)](#), **arts. 1, 3(10)**

207 Proposal to take disciplinary measures.

- (1) If the Authority proposes—
- (a) to publish a statement in respect of an authorised person (under section 205),
^{F18}
 - (b) to impose a penalty on an authorised person (under section 206), [^{F19} or

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- (c) to suspend a permission of an authorised person or impose a restriction in relation to the carrying on of a regulated activity by an authorised person (under section 206A),]
it must give the authorised person a warning notice.
- (2) A warning notice about a proposal to publish a statement must set out the terms of the statement.
- (3) A warning notice about a proposal to impose a penalty, must state the amount of the penalty.
- [^{F20}(4) A warning notice about a proposal to suspend a permission or impose a restriction must state the period for which the suspension or restriction is to have effect.]

Textual Amendments

- F18** Word in s. 207(1) omitted (8.6.2010) by virtue of [Financial Services Act 2010 \(c. 28\)](#), ss. 24(1), 26(2)(d)(e), [Sch. 2 para. 18\(2\)](#)
- F19** S. 207(1)(c) and preceding word inserted (8.6.2010) by [Financial Services Act 2010 \(c. 28\)](#), ss. 24(1), 26(2)(d)(e), [Sch. 2 para. 18\(2\)](#)
- F20** S. 207(4) inserted (8.6.2010) by [Financial Services Act 2010 \(c. 28\)](#), ss. 24(1), 26(2)(d)(e), [Sch. 2 para. 18\(3\)](#)

Modifications etc. (not altering text)

- C6** S. 207 excluded (1.12.2001) by [S.I. 2001/3592](#), [arts. 1\(2\)](#), 61(5), 110(6) (with [art. 23\(2\)](#))
- C7** S. 207 modified (18.7.2002 for certain purposes and 21.8.2002 otherwise) by [The Electronic Commerce Directive \(Financial Services and Markets\) Regulations 2002 \(S.I. 2002/1775\)](#), regs. 1, 12(1)

208 Decision notice.

- (1) If the Authority decides—
- (a) to publish a statement under section 205 (whether or not in the terms proposed), ^{F21} . . .
- (b) to impose a penalty under section 206 (whether or not of the amount proposed), [^{F22} or
- (c) to suspend a permission or impose a restriction under section 206A (whether or not in the manner proposed),]
- it must without delay give the authorised person concerned a decision notice.
- (2) In the case of a statement, the decision notice must set out the terms of the statement.
- (3) In the case of a penalty, the decision notice must state the amount of the penalty.
- [^{F23}(3A) In the case of a suspension or restriction, the decision notice must state the period for which the suspension or restriction is to have effect.]
- (4) If the Authority decides to—
- (a) publish a statement in respect of an authorised person under section 205, ^{F24} . . .
- (b) impose a penalty on an authorised person under section 206, [^{F25} or

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- (c) suspend a permission of an authorised person, or impose a restriction in relation to the carrying on of a regulated activity by an authorised person, under section 206A,]

the authorised person may refer the matter to the Tribunal.

Textual Amendments

- F21** Word in s. 208(1) omitted (8.6.2010) by virtue of [Financial Services Act 2010 \(c. 28\)](#), ss. 24(1), 26(2)(d)(e), [Sch. 2 para. 19\(2\)](#)
- F22** S. 208(1)(c) and preceding word inserted (8.6.2010) by [Financial Services Act 2010 \(c. 28\)](#), ss. 24(1), 26(2)(d)(e), [Sch. 2 para. 19\(2\)](#)
- F23** S. 208(3A) inserted (8.6.2010) by [Financial Services Act 2010 \(c. 28\)](#), ss. 24(1), 26(2)(d)(e), [Sch. 2 para. 19\(3\)](#)
- F24** Word in s. 208(4) omitted (8.6.2010) by virtue of [Financial Services Act 2010 \(c. 28\)](#), ss. 24(1), 26(2)(d)(e), [Sch. 2 para. 19\(4\)](#)
- F25** S. 208(4)(c) and preceding word inserted (8.6.2010) by [Financial Services Act 2010 \(c. 28\)](#), ss. 24(1), 26(2)(d)(e), [Sch. 2 para. 19\(4\)](#)

Modifications etc. (not altering text)

- C8** S. 208 excluded (1.12.2001) by [S.I. 2001/3592](#), [arts. 1\(2\)](#), 61(5), 110(6) (with art. 23(2))
- C9** S. 208 modified (18.7.2002 for certain purposes and 21.8.2002 otherwise) by [The Electronic Commerce Directive \(Financial Services and Markets\) Regulations 2002 \(S.I. 2002/1775\)](#), regs. 1, [12\(1\)](#)
- C10** S. 208(1)(a)(b) modified (1.12.2001) by [S.I. 2001/3592](#), [arts. 1\(2\)](#), 68(2), 69(2) (with art. 23(2))

209 Publication.

After a statement under section 205 is published, the Authority must send a copy of it to the authorised person and to any person on whom a copy of the decision notice was given under section 393(4).

Modifications etc. (not altering text)

- C11** S. 209 modified (18.7.2002 for certain purposes and 21.8.2002 otherwise) by [The Electronic Commerce Directive \(Financial Services and Markets\) Regulations 2002 \(S.I. 2002/1775\)](#), regs. 1, [12\(1\)](#)

210 Statements of policy.

- (1) [^{F26}Each regulator] must prepare and issue a statement of its policy with respect to—
- [^{F27}(a) the imposition of penalties, suspensions or restrictions under this Part;
 - (b) the amount of penalties under this Part; and
 - (c) the period for which suspensions or restrictions under this Part are to have effect.]

[^{F28}(1A) Each regulator's policy with respect to the imposition of penalties, suspensions or restrictions under this Part must include policy with respect to their imposition in relation to conduct which constitutes or may constitute an offence by virtue of section 23(1A) (authorised persons carrying on credit-related regulated activities otherwise than in accordance with permission).]

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- (2) [F29 A regulator's] policy in determining what the amount of a penalty should be [F30, or what the period for which a suspension or restriction is to have effect should be,] must include having regard to—
 - (a) the seriousness of the contravention in question in relation to the nature of the requirement contravened;
 - (b) the extent to which that contravention was deliberate or reckless; and
 - (c) whether [F31 the person against whom action is to be taken] is an individual.
- (3) [F32 A regulator] may at any time alter or replace a statement issued [F33 by it] under this section.
- (4) If a statement issued under this section is altered or [F34 replaced by a regulator, the regulator] must issue the altered or replacement statement.
- (5) [F35 A regulator] must, without delay, give the Treasury a copy of any statement which it publishes under this section.
- (6) A statement issued under this section [F36 by a regulator] must be published by the [F37 regulator] in the way appearing to the [F37 regulator] to be best calculated to bring it to the attention of the public.
- (7) In exercising, or deciding whether to exercise, its power under section 206 [F38 or 206A] in the case of any particular contravention, [F39 a regulator] must have regard to any statement published [F40 by it] under this section and in force at the time when the contravention in question occurred.
- (8) The [F41 regulator] may charge a reasonable fee for providing a person with a copy of the statement.

Textual Amendments

- F26** Words in s. 210(1) substituted (24.1.2013 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. 9 para. 17\(2\)](#) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(c), [Sch. Pt. 3](#); S.I. 2013/423, art. 3, [Sch.](#)
- F27** S. 210(1)(a)-(c) substituted (8.6.2010) for s. 210(1)(a)(b) by [Financial Services Act 2010 \(c. 28\)](#), ss. 24(1), 26(2)(d)(e), [Sch. 2 para. 20\(2\)](#)
- F28** S. 210(1A) inserted (24.1.2013 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. 9 para. 17\(3\)](#) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(c), [Sch. Pt. 3](#); S.I. 2013/423, art. 3, [Sch.](#)
- F29** Words in s. 210(2) substituted (24.1.2013 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. 9 para. 17\(4\)](#) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(c), [Sch. Pt. 3](#); S.I. 2013/423, art. 3, [Sch.](#)
- F30** Words in s. 210(2) inserted (8.6.2010) by [Financial Services Act 2010 \(c. 28\)](#), ss. 24(1), 26(2)(d)(e), [Sch. 2 para. 20\(3\)\(a\)](#)
- F31** Words in s. 210(2)(c) substituted (8.6.2010) by [Financial Services Act 2010 \(c. 28\)](#), ss. 24(1), 26(2)(d)(e), [Sch. 2 para. 20\(3\)\(b\)](#)
- F32** Words in s. 210(3) substituted (24.1.2013 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. 9 para. 17\(5\)\(a\)](#) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(c), [Sch. Pt. 3](#); S.I. 2013/423, art. 3, [Sch.](#)
- F33** Words in s. 210(3) inserted (24.1.2013 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. 9 para. 17\(5\)\(b\)](#) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(c), [Sch. Pt. 3](#); S.I. 2013/423, art. 3, [Sch.](#)

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- F34** Words in s. 210(4) substituted (24.1.2013 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. 9 para. 17(6)** (with Sch. 20); S.I. 2013/113, art. 2(1)(c), Sch. Pt. 3; S.I. 2013/423, art. 3, Sch.
- F35** Words in s. 210(5) substituted (24.1.2013 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. 9 para. 17(7)** (with Sch. 20); S.I. 2013/113, art. 2(1)(c), Sch. Pt. 3; S.I. 2013/423, art. 3, Sch.
- F36** Words in s. 210(6) inserted (24.1.2013 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. 9 para. 17(8)(a)** (with Sch. 20); S.I. 2013/113, art. 2(1)(c), Sch. Pt. 3; S.I. 2013/423, art. 3, Sch.
- F37** Word in s. 210(6) substituted (24.1.2013 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. 9 para. 17(8)(b)** (with Sch. 20); S.I. 2013/113, art. 2(1)(c), Sch. Pt. 3; S.I. 2013/423, art. 3, Sch.
- F38** Words in s. 210(7) inserted (8.6.2010) by Financial Services Act 2010 (c. 28), ss. 24(1), 26(2)(d)(e), **Sch. 2 para. 20(4)**
- F39** Words in s. 210(7) substituted (24.1.2013 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. 9 para. 17(9)(a)** (with Sch. 20); S.I. 2013/113, art. 2(1)(c), Sch. Pt. 3; S.I. 2013/423, art. 3, Sch.
- F40** Words in s. 210(7) inserted (24.1.2013 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. 9 para. 17(9)(b)** (with Sch. 20); S.I. 2013/113, art. 2(1)(c), Sch. Pt. 3; S.I. 2013/423, art. 3, Sch.
- F41** Word in s. 210(8) substituted (24.1.2013 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. 9 para. 17(10)** (with Sch. 20); S.I. 2013/113, art. 2(1)(c), Sch. Pt. 3; S.I. 2013/423, art. 3, Sch.

Modifications etc. (not altering text)

- C12** S. 210 applied (6.3.2008) by The Regulated Covered Bonds Regulations 2008 (S.I. 2008/346), **reg. 36**
- C13** S. 210 applied (1.5.2009 for certain purposes and 1.11.2009 otherwise) by The Payment Services Regulations 2009 (S.I. 2009/209), regs. 1(2), **86(6)** (with reg. 3)
- C14** S. 210 applied (with modifications) (11.2.2010) by The Cross-Border Payments in Euro Regulations 2010 (S.I. 2010/89), reg. 19, **Sch. para. 3**
- C15** S. 210 applied (with modifications) (7.6.2010) by The Credit Rating Agencies Regulations 2010 (S.I. 2010/906), **reg. 22(2)**
- C16** S. 210 applied (30.4.2011) by The Electronic Money Regulations 2011 (S.I. 2011/99), **reg. 53(6)** (with reg. 3)
- C17** S. 210 applied (with modifications) (15.1.2013) by The Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 (S.I. 2012/3122), reg. 1, **Sch. para. 3(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. 248(6)(h)**)
- C18** S. 210(7) excluded (1.12.2001) by S.I. 2001/3592, **arts. 1(2), 110(6)** (with art. 23(2))

211 Statements of policy: procedure.

- (1) Before [^{F42}a regulator issues] a statement under section 210, the [^{F43}regulator] must publish a draft of the proposed statement in the way appearing to the [^{F43}regulator] to be best calculated to bring it to the attention of the public.
- (2) The draft must be accompanied by notice that representations about the proposal may be made to the [^{F44}regulator] within a specified time.
- (3) Before issuing the proposed statement, the [^{F44}regulator] must have regard to any representations made to it in accordance with subsection (2).

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- (4) If the ^{F44}regulator] issues the proposed statement it must publish an account, in general terms, of—
- (a) the representations made to it in accordance with subsection (2); and
 - (b) its response to them.
- (5) If the statement differs from the draft published under subsection (1) in a way which is, in the opinion of the ^{F45}regulator], significant, the ^{F45}regulator] must (in addition to complying with subsection (4)) publish details of the difference.
- (6) ^{F46}A regulator] may charge a reasonable fee for providing a person with a copy of a draft published under subsection (1).
- (7) This section also applies to a proposal to alter or replace a statement.

Textual Amendments

- F42** Words in s. 211(1) substituted (24.1.2013 for specified purposes) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 9 para. 18\(2\)\(a\)](#) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(c), Sch. Pt. 3
- F43** Word in s. 211(1) substituted (24.1.2013 for specified purposes) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 9 para. 18\(2\)\(b\)](#) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(c), Sch. Pt. 3
- F44** Word in s. 211(2)-(4) substituted (24.1.2013 for specified purposes) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 9 para. 18\(3\)](#) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(c), Sch. Pt. 3
- F45** Word in s. 211(5) substituted (24.1.2013 for specified purposes) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 9 para. 18\(3\)](#) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(c), Sch. Pt. 3
- F46** Words in s. 211(6) substituted (24.1.2013 for specified purposes) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 9 para. 18\(4\)](#) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(c), Sch. Pt. 3

Modifications etc. (not altering text)

- C19** S. 211 applied (6.3.2008) by [The Regulated Covered Bonds Regulations 2008 \(S.I. 2008/346\)](#), [reg. 36](#)
- C20** S. 211 applied (1.5.2009 for certain purposes and 1.11.2009 otherwise) by [The Payment Services Regulations 2009 \(S.I. 2009/209\)](#), [regs. 1\(2\)](#), [86\(6\)](#) (with [reg. 3](#))
- C21** S. 211 applied (with modifications) (11.2.2010) by [The Cross-Border Payments in Euro Regulations 2010 \(S.I. 2010/89\)](#), [reg. 19](#), [Sch. para. 3](#)
- C22** S. 211 applied (with modifications) (7.6.2010) by [The Credit Rating Agencies Regulations 2010 \(S.I. 2010/906\)](#), [reg. 22\(2\)](#)
- C23** S. 211 applied (30.4.2011) by [The Electronic Money Regulations 2011 \(S.I. 2011/99\)](#), [reg. 53\(6\)](#) (with [reg. 3](#))
- C24** S. 211 applied (with modifications) (15.1.2013) by [The Payments in Euro \(Credit Transfers and Direct Debits\) Regulations 2012 \(S.I. 2012/3122\)](#), [reg. 1](#), [Sch. para. 3\(1\)](#)

Status:

Point in time view as at 27/02/2013.

Changes to legislation:

Financial Services and Markets Act 2000, Part XIV is up to date with all changes known to be in force on or before 12 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.