
STATUTORY INSTRUMENTS

2001 No. 3650

**The Financial Services and Markets Act
2000 (Miscellaneous Provisions) Order 2001**

PART II

AMENDMENTS TO ORDERS MADE UNDER THE ACT

The Financial Services and Markets Act 2000 (Transitional Provisions) (Authorised Persons etc.) Order 2001 (S.I.2001/2636)

Disqualification directions on the public record

10. In article 79 of the Financial Services and Markets Act 2000 (Transitional Provisions) (Authorised Persons etc.) Order 2001 (employment of prohibited persons: disqualification directions), after paragraph (2) insert—

- “(3) Paragraph (4) applies where—
- (a) a person (“I”) is subject to a prohibition order having effect under paragraph (1); and
 - (b) information about I has been placed on the record maintained in accordance with section 347(1)(g) as required by section 347(2) (“transitional information”).
- (4) Subsections (5) and (6) of section 347 apply to the record to the extent that it comprises transitional information—
- (a) as if subsection (5)(a) required the Authority to exclude the transitional information from the record made available for inspection unless—
 - (i) the person seeking to inspect the record has asked the Authority whether I is subject to a prohibition order; or
 - (ii) the Authority is otherwise satisfied that the person has a good reason for seeking to inspect the transitional information;
 - (b) as if subsection (5)(b) required the Authority to exclude the transitional information from any certified copy of the record provided in accordance with that subsection;
 - (c) as if subsection (5)(b) further provided that the Authority may only provide a certified copy of the part of the record containing the transitional information if—
 - (i) the person requesting the copy of that part has asked the Authority whether I is subject to a prohibition order; or
 - (ii) the Authority is otherwise satisfied that the person has good reason for requesting a copy of the part of the record which includes the transitional information;
 - (d) as if subsection (6) did not apply to the record in so far as it contains the transitional information.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) Paragraph (4) applies to transitional information until 18 January 2002 or, if on or before that date, I applies to the Authority under section 58 for the revocation of the prohibition order, then until that application is determined and there is no possibility (or no further possibility) of the determination being reversed or varied on a reference to the Tribunal or an appeal.”