

## SCHEDULE 3

### Application and modification of legislation

## PART 1

### Application and modification of the 2000 Act

#### Warning notices and decision notices

8. Part 26 of the 2000 Act (notices) applies with the following modifications—

- [<sup>F1</sup>(za) in section 387 (warning notices), omit subsections (1A) and (3A);]
- (a) in section 388 (decision notices), [<sup>F2</sup>omit subsections (1A) and (2)];
- (b) in section 390 <sup>M1</sup> (final notices)—
  - (i) omit subsections (6) and (10); and
  - (ii) in subsection (8) omit “or (6)(c)”;
- (c) in section 391 (publication)—
  - [<sup>F3</sup>(iza) for subsection (1ZB) substitute—
    - “(1ZB) A warning notice falls within this subsection if it is given under—
      - (a) section 67;
      - (b) section 345B;
      - (c) regulation 10 of the Electronic Money Regulations 2011 (including regulation 10 as applied by regulation 15 of those Regulations);
      - (d) regulation 29 of those Regulations;
      - (e) regulation 35 of those Regulations;
      - (f) regulation 53 of those Regulations; or
      - (g) regulation 56 of those Regulations.”;
  - (izb) omit subsection (6A);]
  - (i) in subsection (10) for “has the same meaning as in section 395” substitute “ means a notice given under regulation 11(6), (9) or (10)(b) (including as applied by regulation 15) of [<sup>F4</sup>, or paragraph 4 of Schedule 4A to,] the Electronic Money Regulations 2011 ”; and
  - (ii) omit subsection (11).
- (d) for section 392 <sup>M2</sup> (application of sections 393 and 394) substitute—
  - “**392.** Sections 393 and 394 apply to—
    - (a) a warning notice given in accordance with regulations 10(4) (including as applied by regulation 15), 29(2) (in relation to the cancellation of a registration), 35(2), 53(1) or 56(1) of the Electronic Money Regulations 2011;
    - (b) a decision notice given in accordance with regulations 10(5)(a) (including as applied by regulation 15), 29(3)(a) (in relation to the cancellation of a registration), 35(3)(a), 53(3) or 56(3) of the Electronic Money Regulations 2011.”; and

**Changes to legislation:** The Electronic Money Regulations 2011, Paragraph 8 is up to date with all changes known to be in force on or before 09 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

- (e) in section 395 [<sup>F5</sup>(the FCA’s and PRA’s procedures)] in subsection (13) for “in accordance with” to the end substitute “ under regulation 11(6), (9) or (10)(b) (including as applied by regulation 15) of [<sup>F6</sup>, or paragraph 4 of Schedule 2A to,] the Electronic Money Regulations 2011. ”.

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#### Textual Amendments

- F1** Sch. 3 para. 8(za) inserted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), **Sch. 2 para. 196(5)(h)(i)**
- F2** Words in Sch. 3 para. 8(a) substituted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), **Sch. 2 para. 196(5)(h)(ii)**
- F3** Sch. 3 para. 8(c)(iza)(izb) inserted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), **Sch. 2 para. 196(5)(h)(iii)(aa)**
- F4** Words in Sch. 3 para. 8(c)(i) inserted (14.2.2014 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2014 \(S.I. 2014/366\)](#), arts. 1(3)(4), **18(4)(c)(i)**
- F5** Words in Sch. 3 para. 8(e) substituted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), **Sch. 2 para. 196(5)(h)(iv)**
- F6** Words in Sch. 3 para. 8(e) inserted (14.2.2014 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2014 \(S.I. 2014/366\)](#), arts. 1(3)(4), **18(4)(c)(ii)**

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#### Marginal Citations

- M1** Amended by [S.I. 2010/22](#).
- M2** Section 392 was amended by sections 24 and 29 of, and Schedule 2 to, the Financial Services Act 2010.

**Changes to legislation:**

The Electronic Money Regulations 2011, Paragraph 8 is up to date with all changes known to be in force on or before 09 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.

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**Changes and effects yet to be applied to :**

- Regulations power to amend conferred by [2021 c. 22 s. 23](#)
- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)