

STATUTORY INSTRUMENTS

2013 No. 1881

The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013

PART 8

Transitional provisions

CHAPTER 2

Licensing etc.

Applications for a standard licence where determination has been made but appeal period has not ended

- 32.**—(1) Paragraphs (2) to (4) apply if, before 1st April 2014—
- (a) the OFT had given a notice to a person (“A”) of its determination to refuse to issue a standard licence to A in accordance with A's application, and
 - (b) the appeal period in relation to that decision had not ended.
- (2) The notice is to be treated as—
- (a) if A does not have a Part 4A permission, a decision notice given under section 55X(4)^{M1} of the Act by the FCA to A of the decision to refuse A's application for Part 4A permission;
 - (b) in any other case, a decision notice given under section 55X(4) of the Act of the decision of the appropriate regulator to refuse A's application to vary A's Part 4A permission.
- (3) But if A had, before 1st April 2014, submitted a notice of appeal to the First-tier Tribunal under section 41 of the 1974 Act (appeals to First-tier Tribunal under Part 3)^{M2} —
- (a) section 55Z3 of the Act (right to refer matters to the Tribunal)^{M3} does not apply, and
 - (b) for the purposes of section 55V(4)^{M4} of the Act, the appropriate regulator is not to be taken as having determined the application.
- (4) The notice has effect subject to any necessary modifications.

Marginal Citations

- M1** Section 55X was inserted by the Financial Services Act 2012, section 11.
- M2** Section 41 was amended by the Enterprise Act 2002, Schedule 25, paragraph 6(21), the Consumer Credit Act 2006, sections 33, 43, 53 and 56 and Schedule 34, paragraph 27(1)(b), and [S.I. 2001/3649](#) and 2009/1835.
- M3** Section 55Z3 was inserted by the Financial Services Act 2012, section 11.
- M4** Section 55V was inserted by the Financial Services Act 2012, section 11.

Changes to legislation:

The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, Section 32 is up to date with all changes known to be in force on or before 02 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.

[View outstanding changes](#)

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

- Order revoked by [2023 c. 29 Sch. 1 Pt. 2](#)