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STATUTORY INSTRUMENTS

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**2013 No. 3128**

**The Financial Services and Markets Act 2000  
(Consumer Credit) (Transitional Provisions) Order 2013**

**FCA power to require information**

4.—(1) Subject to paragraph (2), Part 11 of the 2000 Act (information gathering and investigations) has effect until 1st April 2014 as if each reference in section 165 (regulators' power to require information: authorised persons etc.)(1) to an authorised person (except for the references in subsections 165(7)(b) and (8)) included a reference to a person of the description in paragraph (3).

(2) Part 11 of the 2000 Act only applies as so modified in respect of a requirement imposed—

- (a) by the FCA; and
- (b) by a notice specifying that the requirement is made for the purpose of or in connection with the FCA making rules under section 137C of the 2000 Act (FCA general rules: cost of credit and duration of credit agreements)(2).

(3) A person is within the description of this paragraph if the person—

- (a) holds a licence issued under the 1974 Act; and
- (b) carries on activities which, if those activities were carried on on 1st April 2014, would be activities of a kind specified by any of the following provisions of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(3)—
  - (i) article 60B (regulated credit agreements);
  - (ii) article 89B (providing credit references).

(4) In determining whether a person is connected with a person of the description in paragraph (3) under section 165(11) of the 2000 Act, Part 1 of Schedule 15 to the 2000 Act has effect as if each reference to an authorised person were a reference to a person of the description in paragraph (3).

(5) On 1st April 2014—

- (a) any requirement imposed under section 165 or 175(1) of the 2000 Act ceases to have effect if it could not be imposed under that enactment on or after that date;
- (b) any requirement imposed under section 175(2) or (3) of the 2000 Act ceases to have effect if the requirement pursuant to which the supplementary requirement was imposed ceases to have effect on 1st April 2014 by virtue of sub-paragraph (a) (and no such supplementary requirement may be imposed thereafter); and
- (c) no action may be taken or continued under or pursuant to the 2000 Act in relation to any requirement which ceases to have effect by virtue of this paragraph.

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(1) Amended by the Financial Services Act 2010, section 24(1) and (2), Schedule 2, Part 1, paragraphs 1 and 15.

(2) Substituted by the Financial Services Act 2012 (c.21), section 24.

(3) S.I. 2001/544. Articles 60B and 89B inserted by S.I. 2013/1881.