STATUTORY INSTRUMENTS

2013 No. 441

The Financial Services Act 2012 (Transitional Provisions) (Enforcement) Order 2013

PART 9

Injunctions and restitution

Injunctions

15.—(1) Paragraph (2) applies if—

(a) a contravention of a relevant requirement occurred or began to occur before the commencement date;

(b) the Authority had not, before the commencement date, made an application to the court under section 380(**1**) (injunctions) in respect of the contravention; and

(c) the act or omission which constituted the contravention would have constituted a contravention in respect of which the PRA is the appropriate regulator within the meaning of section 380(8) to (10) had the act or omission occurred or begun to occur on the commencement date.

(2) Section 380 applies as if it defined both the FCA and PRA as the appropriate regulator in respect of the relevant requirement which was contravened.

(3) In this article "relevant requirement" means a relevant requirement within the meaning of section 380 as it applied at the time of the contravention.

(**1**) Section 380 was amended by S.I. 2007/126, 2011/1613 and 2012/1906 and 2554 and is further amended by the 2012 Act, Schedule 9, Part 5, paragraph 19.