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STATUTORY INSTRUMENTS

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**2013 No. 441**

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

**PART 9**

**Injunctions and restitution**

**Power to require restitution**

**17.—**(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 given a warning notice under section 385(1) before the commencement date in respect of the contravention; and
- (c) the act or omission which constituted the contravention would have constituted a contravention for which the PRA is the appropriate regulator within the meaning of section 384(9) to (11)(1) (power to require restitution) had the act or omission occurred or begun on the commencement date.

(2) Section 384 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 384 as it applied at the time of the contravention.

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(1) Section 384 was amended by [S.I. 2007/126](#), [2011/1613](#) and [2012/1906](#) and is further amended by the 2012 Act, Schedule 9, Part 5, paragraph 23.