
STATUTORY INSTRUMENTS

2017 No. 692

The Money Laundering, Terrorist Financing and Transfer
of Funds (Information on the Payer) Regulations 2017

PART 10

Appeals

CHAPTER 1

Decisions of the FCA

Appeals against decisions of the FCA

93.—^{F1}(1) A person may appeal to the Upper Tribunal a decision by the FCA under—

- (a) regulation 25(2), to issue a direction;
- (b) regulation 59(1), to refuse to register an applicant;
- (c) regulation 60, to suspend or cancel the registration of a registered person;

^{F2}(ca) regulation 74C(1), to impose a direction;]

- (d) regulation 76, to impose a penalty or publish a censuring statement;
- (e) regulation 77, to take a measure set out in paragraph (2)(a) or (b) of that regulation;
- (f) regulation 78(2), to impose a prohibition.]

(2) The provisions of Part 9 of FSMA (hearings and appeals), apply, subject to the modifications set out in paragraph (3), in respect of appeals to the Upper Tribunal made under this regulation as they apply in respect of references made to that Tribunal under that Act.

(3) Part 9 of FSMA has effect as if—

- (a) in section 133 (proceedings before Tribunal: general provision), in subsection (7A) ^{M1}, after paragraph (o) there were inserted—
 - “(p) a decision to take action under any of regulations 76 to 78 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.”; and
- (b) for section 133A ^{M2} there were substituted—

“133A Proceedings before Tribunal: decision notices

(1) The action specified in a decision notice given under regulation 81(6) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 must not be taken—

- (a) during the period within which the matter to which the notice relates may be referred to the Tribunal under the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017; and

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Changes to legislation: There are currently no known outstanding effects for the *The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, CHAPTER 1*. (See end of Document for details)

(b) if the matter is so referred, until the reference, and any appeal against the Tribunal's determination, has been finally disposed of.

(2) The Tribunal may, on determining a reference under these Regulations in respect of a decision of the FCA, make recommendations as to its regulating provisions or its procedures.”.

Textual Amendments

- F1** Reg. 93(1) substituted (10.1.2019) by [The Money Laundering and Terrorist Financing \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1337\)](#), regs. 1(2), **4(1)**
- F2** Reg. 93(1)(ca) inserted (10.1.2020) by [The Money Laundering and Terrorist Financing \(Amendment\) Regulations 2019 \(S.I. 2019/1511\)](#), regs. 1(2), **9(3)**

Marginal Citations

- M1** [2000 c.8](#). Subsection 7A was inserted by section 23 of the [Financial Services Act 2012 \(c.21\)](#) and amended by section 4(2) of the [Financial Services \(Banking Reform\) Act 2013 \(c.33\)](#) and by [S.I. 2013/1388](#); 20143/3329.
- M2** Section 133A was inserted by [S.I. 2010/22](#) and amended by section 23 of the [Financial Services Act 2012](#).

Status:

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