
Changes to legislation: Financial Services Act 2012, PART 7 is up to date with all changes known to be in force on or before 23 May 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. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 9

DISCIPLINE AND ENFORCEMENT

PART 7

OFFENCES

- 36 (1) Section 398 (misleading the Authority: residual cases) is amended as follows.
- (2) In subsection (1), for “the Authority” substitute “ a regulator ”.
- (3) In the heading, for “the Authority” substitute “ FCA or PRA ”.

Commencement Information

- I1** Sch. 9 para. 36 in force at 1.4.2013 by S.I. 2013/423, art. 3, Sch.

- 37 In section 400 (offences by a body corporate etc) after subsection (6) insert—
- “(6A) References in this section to an offence under this Act include a reference to an offence under Part 7 of the Financial Services Act 2012 (offences relating to financial services).”

Commencement Information

- I2** Sch. 9 para. 37 in force at 1.4.2013 by S.I. 2013/423, art. 3, Sch.

- 38 (1) Section 401 (proceedings for offences) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) In this section “offence” means—
- (a) an offence under this Act,
- (b) an offence under subordinate legislation made under this Act, or
- (c) an offence under Part 7 of the Financial Services Act 2012 (offences relating to financial services).”
- (3) In subsections (2)(a) and (3)(a), for “Authority” substitute “ appropriate regulator ”.
- (4) After subsection (3) insert—
- “(3A) For the purposes of subsections (2)(a) and (3)(a), the PRA is the “appropriate regulator” in respect of each of the following offences—
- (a) an offence under section 55P(10) where the contravention is of a requirement imposed by the PRA;

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- (b) an offence under section 56(4) where the prohibition order is made by the PRA;
- (c) an offence under section 177(3) where the investigation is being, or is likely to be, conducted on behalf of the PRA;
- (d) an offence under section 177(4) where the requirement is imposed by the PRA;
- (e) an offence under section 177(6) where the warrant is issued as a result of information on oath given by the PRA or a person appointed by the PRA to conduct an investigation on its behalf;
- (f) an offence under section 191F(1) where the notice should have been given to the PRA;
- (g) an offence under any of section 191F(2) to (7) where the notice, approval or information was given to or by the PRA;
- (h) an offence under section 366(3), unless the activity of effecting or carrying out long-term contracts of insurance is not to any extent a PRA-regulated activity;
- (i) an offence under section 398(1) where the information was given to the PRA.

(3B) For the purposes of subsections (2)(a) and (3)(a), the FCA is the “appropriate regulator” in respect of any other offence.”

(5) In subsection (5), for “Authority” substitute “ appropriate regulator ”.

Commencement Information

I3 Sch. 9 para. 38 in force at 1.4.2013 by S.I. 2013/423, art. 3, Sch.

- 39 (1) Section 402 (power of the Authority to institute proceedings for certain other offences) is amended as follows.
- (2) In subsections (1) and (2), for “Authority” substitute “ FCA ”.
- (3) In the heading, for “the Authority” substitute “ FCA ”.

Commencement Information

I4 Sch. 9 para. 39 in force at 1.4.2013 by S.I. 2013/423, art. 3, Sch.

- 40 In section 403 (jurisdiction and procedure in respect of offences), in subsection (7), at the end insert “ or an offence under Part 7 of the Financial Services Act 2012 (offences relating to financial services) ”.

Commencement Information

I5 Sch. 9 para. 40 in force at 1.4.2013 by S.I. 2013/423, art. 3, Sch.

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

- Act power to apply conferred (temp.) by [2014 c. 21 s. 79\(4\)](#)
- Act power to apply conferred (temp.) by [2014 c. 21 s. 81\(10\)](#)