

---

DRAFT STATUTORY INSTRUMENTS

---

**2018 No.**

The EEA Passport Rights (Amendment, etc., and  
Transitional Provisions) (EU Exit) Regulations 2018

PART 3

Transitional and saving provision: applications  
for permission to carry on a regulated activity

CHAPTER 4

Temporary permission and variation: procedure, etc.

**Steps to be taken before exit day: application or notification**

**14.**—(1) For the purposes of regulations 9(1)(b) and 12(1)(b), the steps are that the person has, before exit day—

(a) made an application—

(i) in the case of a person who satisfies the conditions in regulation 10, for permission under Part 4A of that Act, or

(ii) in the case of a person who satisfies the conditions in regulation 13, for a variation of such a permission,

which has, immediately before exit day, not been withdrawn by the person or determined by a regulator in accordance with section 55V of that Act, or

(b) notified the relevant regulator that the person wishes to be treated in accordance with regulation 8 or 11.

(2) For the purposes of paragraph (1)(b), the notification must—

(a) be made in such manner, and during such period, and

(b) contain, or be accompanied by, such information,

as the relevant regulator may direct.

**Regulator's response**

**15.**—(1) In the case of an application referred to in regulation 14(1)(a), the relevant regulator must—

(a) if it considers that—

(i) the requirements of section 55U of the 2000 Act (applications under Part 4A: procedure) are satisfied, or

(ii) the requirements of that section are satisfied with the exception of those provided by subsection (4), and it would not be practicable for the applicant to comply with the requirements of that subsection before exit day,

- confirm in writing to the person making the application that regulation 8 or 11 is to apply;
- (b) if it considers otherwise, confirm in writing to the person making the application that regulation 8 or 11 is not to apply, giving details of the requirements that are not satisfied.
- (2) In the case of a notification referred to in regulation 14(1)(b)—
- (a) if the relevant regulator has not made a direction under regulation 14(2), the relevant regulator must confirm in writing to the person submitting the notification that regulation 8 or 11 is to apply;
- (b) if the relevant regulator has made a direction under regulation 14(2), paragraph (3) applies.
- (3) Where this paragraph applies, the relevant regulator must—
- (a) if it considers that—
- (i) the notification is made in accordance with the direction, or
- (ii) the notification is not made in accordance with the direction, and it would not be practicable for the applicant to comply with the direction before exit day,
- confirm in writing to the person submitting the notification that regulation 8 or 11 is to apply;
- (b) if it considers otherwise, confirm in writing to the person submitting the notification that regulation 8 or 11 is not to apply, giving details of the direction that has not been complied with.

**Further information to be supplied by a person to whom regulation 8 or 11 applies**

- 16.**—(1) A person to whom regulation 8 or 11 applies must notify the relevant regulator if—
- (a) any information contained in or accompanying a notification submitted in accordance with regulation 14(1)(b) changes, or
- (b) an authorisation by a home state regulator is cancelled or varied.
- (2) For the purposes of paragraph (1), the notification must—
- (a) be made in such manner, and during such period, and
- (b) contain, or be accompanied by, such information,
- as the relevant regulator may direct.