



Financial Services and Markets Act 2000

2000 CHAPTER 8

PART V

PERFORMANCE OF REGULATED ACTIVITIES

[^{F1}Conduct of approved persons and others]

[^{F1}66A Misconduct: action by the FCA

- (1) For the purposes of action by the FCA under section 66, a person is guilty of misconduct if any of conditions A to C is met in relation to the person.
- (2) Condition A is that—
 - (a) the person has at any time failed to comply with rules made by the FCA under section 64A, and
 - (b) at that time the person was—
 - (i) an approved person, or
 - (ii) an employee of a relevant authorised person.
- (3) Condition B is that—
 - (a) the person has at any time been knowingly concerned in a contravention of a relevant requirement by an authorised person, and
 - (b) at that time the person was—
 - (i) an approved person in relation to the authorised person, or
 - (ii) in the case of a relevant authorised person, an employee of the authorised person.
- (4) In this section “relevant requirement” means a requirement—
 - (a) imposed by or under this Act, ^{F2}...
 - ^{F3}(aa) [imposed by the Alternative Investment Fund Managers Regulations 2013, or;]
 - (b) imposed by any qualifying EU provision specified, or of a description specified, for the purposes of this subsection by the Treasury by order.

Status: Point in time view as at 07/03/2016. This version of this provision has been superseded.

Changes to legislation: Financial Services and Markets Act 2000, Section 66A is up to date with all changes known to be in force on or before 14 April 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)

- (5) Condition C is that—
- (a) the person has at any time been a senior manager in relation to a relevant authorised person,
 - (b) there has at that time been (or continued to be) a contravention of a relevant requirement by the authorised person, and
 - (c) the senior manager was at that time responsible for the management of any of the authorised person's activities in relation to which the contravention occurred.
- (6) But a person (“P”) is not guilty of misconduct by virtue of subsection (5) if P satisfies the FCA that P had taken such steps as a person in P's position could reasonably be expected to take to avoid the contravention occurring (or continuing).
- (7) For the purposes of subsection (5)—
- “senior manager”, in relation to a relevant authorised person, means a person who has approval under section 59 to perform a designated senior management function in relation to the carrying on by the authorised person of a regulated activity;
- “designated senior management function” means a function designated as a senior management function under section 59(6A) or (6B).
- (8) In this section—
- “approved person”—
- (a) means a person in relation to whom an approval is given under section 59, and
 - (b) in relation to an authorised person, means a person in relation to whom such approval is given on the application of the authorised person;
- “employee”, in relation to a person, has the same meaning as in section 64A.
- (9) For the meaning of “relevant authorised person”, see section 71A.]

Textual Amendments

- F1** Ss. 66A, 66B inserted (7.3.2016 for specified purposes, 10.5.2016 in so far as not already in force) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\)](#), ss. **32(2)**, 148(5); S.I. 2015/490, art. 2(1)(e) (as inserted by S.I. 2015/2055, art. 2(4) and with savings and transitional provisions in S.I. 2015/492 (as amended by S.I. 2015/1660)); S.I. 2016/568, art. 2
- F2** Word in s. 66A(4)(a) omitted (7.3.2016) by virtue of [The Financial Services and Markets Act 2000 \(Misconduct and Appropriate Regulator\) Order 2015 \(S.I. 2015/1864\)](#), arts. 1(2), **2(2)**
- F3** S. 66A(4)(aa) inserted (7.3.2016) by [The Financial Services and Markets Act 2000 \(Misconduct and Appropriate Regulator\) Order 2015 \(S.I. 2015/1864\)](#), arts. 1(2), **2(3)**

Status:

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