Changes to legislation: *Financial Services Act 2012, Paragraph 13 is up to date with all changes known to be in force on or before 29 August 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 5

PERFORMANCE OF REGULATED ACTIVITIES

13 (1) Section 65 (statements and codes: procedure) is amended as follows.

(2) For subsection (1) substitute—

"(1) Before a regulator issues a statement or code under section 64, it must—

(a) consult the other regulator; and

(b) after doing so, publish a draft of the statement or code in the way appearing to it to be best calculated to bring the statement or code to the attention of the public.

(1A) The duty of the FCA to consult the PRA under subsection (1)(a) applies only in so far as the statement or code applies to persons in relation to whom approval is given under section 59 in respect of the performance by them of significant-influence functions (within the meaning of that section) in relation to the carrying on by PRA-authorised persons of regulated activities."

(3) In subsection (2)(b), for "the Authority" substitute " the regulator publishing the draft ".

(4) In subsection (3)—

(a) for "issuing" substitute " a regulator issues ", and

(b) for "the Authority" substitute " it ".

(5) In subsection (4), for "the Authority" substitute " a regulator ".

(6) In subsection (5)—

(a) for "the Authority", in the first place, substitute " the regulator issuing the statement or code ", and

(b) for "the Authority", in the second place, substitute " the regulator ".

(7) In subsection (6), for "the Authority" substitute " the regulator concerned ".

(8) For subsection (7) substitute—

"(7) Subsections (1)(b) and (2) to (6) do not apply in relation to—

(a) a statement or code issued by the FCA if it considers that the delay involved in complying with them would be prejudicial to the interests of consumers, as defined in section 425A; or

(b) a statement or code issued by the PRA if it considers that the delay involved in complying with them would—

(i) be prejudicial to the safety and soundness of PRA-authorised persons, or

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(ii) in a case where section 2C applies, be prejudicial to securing the appropriate degree of protection for policyholders."

(9) In subsection (9)—

(a) for "The Authority" substitute " A regulator ", and

(b) after "published" insert " by it ".

(10) For subsection (11) substitute—

"(11) Cost benefit analysis" means—

(a) an analysis of the costs together with an analysis of the benefits that will arise—

(i) if the proposed statement or code is issued, or

(ii) if subsection (5)(b) applies, from the statement or code that has been issued, and

(b) subject to subsection (11A), an estimate of those costs and of those benefits.

(11A) If, in the opinion of the regulator concerned—

(a) the costs or benefits referred to in subsection (11) cannot reasonably be estimated, or

(b) it is not reasonably practicable to produce an estimate,

the cost benefit analysis need not estimate them, but must include a statement of the opinion of the regulator concerned and an explanation of it."

Commencement Information

I1 Sch. 5 para. 13 in force at 24.1.2013 for specified purposes by S.I. 2013/113, art. 2(1)(c), **Sch. Pt. 3**

I2 Sch. 5 para. 13 in force at 1.4.2013 in so far as not already in force 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)