

## SCHEDULE 2

### APPLICATION OF FINANCIAL SERVICES AND MARKETS ACT 2000 TO TRANSFERRED FUNCTIONS

#### *Rules relating to fees*

**9.** Paragraphs 10 and 11 apply where the Authority—

- (a) makes (or proposes to make) rules under paragraph 17(1) of Schedule 1 which require the payment to the Authority of fees which relate in whole or in part to mutuals expenditure, or
- (b) designates any provisions in accordance with article 4 of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001<sup>(1)</sup> with a view to their having effect after commencement as such rules.

**10.** In the application of paragraph 17(1) of Schedule 1 to the rules, the reference to fees and charges provided for by any other provision of the 2000 Act includes a reference to fees and charges provided for by any provision of the mutuals legislation.

**11.** To the extent that the fees relate to mutuals expenditure—

- (a) the making of the rules is not to be treated as a general function of the Authority by virtue of subsection (4)(a) of section 2 (functions of the Authority to which the Authority's general duties apply),
- (b) section 155(2)(c) (requirement to include in consultation a statement that rules are compatible with general duties) (or, in any case covered by paragraph 9(b) above, article 4(2)(f) of the Order referred to in that paragraph) does not apply in relation to the rules, and
- (c) the rules are not to be treated as regulating provisions for the purposes of section 159(1) (interpretation of Chapter III of Part X).

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<sup>(1)</sup> S.I.2001/1534.