
STATUTORY INSTRUMENTS

2001 No. 2636

The Financial Services and Markets Act 2000 (Transitional Provisions) (Authorised Persons etc.) Order 2001

PART III

EFFECT OF RESTRICTIONS AND PROHIBITIONS IMPOSED UNDER OLD LAW

Prohibitions and requirements under the Financial Services Act

Prohibitions and requirements imposed by recognised self-regulating organisations or recognised professional bodies

35.—(1) This article applies where immediately before commencement a person was subject to a prohibition or requirement—

- (a) imposed by a recognised self-regulating organisation or a recognised professional body under a relevant rule; or
- (b) pursuant to an agreement between a person and a recognised self-regulating organisation that he should be subject to a prohibition or requirement of a kind which could have been imposed on him under a relevant rule.

(2) The prohibition or requirement has effect after commencement—

- (a) if it relates to the carrying on of an activity or activities which the person has a Part IV permission to carry on, as if it were a requirement imposed on him under section 43;
- (b) if it relates to the carrying on of an activity or activities which he has a permission to carry on as a result of Schedule 3 or 4, as if it were a requirement imposed on him under section 196.

(3) For the purposes of paragraph (2), a prohibition or requirement imposed or agreed as respects activities carried on in connection with or for the purposes of an activity mentioned in paragraph (2) (a) or (b) is to be taken to relate to the carrying on of that activity.

(4) Where by virtue of this article (and, where applicable, article 36(3)(a)), a requirement originally imposed or agreed as mentioned in paragraph (1) has effect as—

- (a) an assets requirement, as defined by section 48(3); or
- (b) a requirement to which section 201 applies,

section 48(4) to (7) and (9) to (11) applies accordingly; but section 48(8) does not apply.

(5) Where, immediately before commencement, a person was a member of a recognised self-regulating organisation for the purposes of section 7 of the Financial Services Act but was prevented by relevant rules from carrying on any investment business (within the meaning of that Act) that person is to be treated after commencement—

- (a) as if he is an authorised person with a Part IV permission; but

- (b) as if his Part IV permission included a requirement imposed under section 43 that he refrain from carrying on any regulated activity.
- (6) For the purposes of this article a relevant rule is—
 - (a) a rule of a recognised self-regulating organisation which makes provision as described in section 48(2)(a) or (b) of the Financial Services Act;
 - (b) a rule of a recognised self-regulating organisation or recognised professional body conferring powers corresponding to the powers conferred by sections 65 to 68 of that Act;
 - (c) a rule of a recognised self-regulating organisation or recognised professional body conferring power on that organisation or body to impose conditions (however described) on a member when admitting him to membership, or to vary those conditions or impose new conditions during his membership;
 - (d) a rule of a recognised self-regulating organisation or recognised professional body conferring power on that organisation or body to direct a member (in whatever manner specified by the rule) to take specified steps.

Commencement Information

II [Art. 35](#) in force at 1.12.2001, see [art. 1\(2\)\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Transitional Provisions) (Authorised Persons etc.) Order 2001, Section 35.