
STATUTORY INSTRUMENTS

2001 No. 3592

The Financial Services and Markets Act 2000 (Transitional Provisions) (Partly Completed Procedures) Order 2001

PART II

AUTHORISATIONS AND RESTRICTIONS UNDER OLD LAW

CHAPTER I

**APPLICATIONS, NOTICES OF INTENTION TO
REFUSE AND SURRENDERS OF AUTHORISATION**

Applications

Applications for authorisation

3.—(1) Where an application to which this article applies was made but had not been decided before commencement by the body to which it was made, it is to be treated as an application for permission made to the Authority under section 40 or, where the person making the application has a Part IV permission, as an application under section 44 for the variation of that permission.

(2) The applications to which this article applies are—

- (a) an application by a person for membership of a recognised self-regulating organisation;
- (b) an application by a person for a certificate to be issued by a recognised professional body for the purposes of Part I of the Financial Services Act (but subject to paragraph (3));
- (c) an application under section 26 of the Financial Services Act;
- (d) an application for the variation of a direction under section 33(3) of the Financial Services Act;
- (e) an application for admission to the list maintained for the purposes of section 43 of the Financial Services Act;
- (f) an application under section 8 of the Banking Act;
- (g) an application for authorisation made under section 5 of the Insurance Companies Act;
- (h) an application to the Committee of Lloyd's by a body to have its name entered in the register of underwriting agents⁽¹⁾.

(3) This article applies to an application falling within paragraph (2)(b) only if the applicant notifies the Authority, in such form as the Authority may direct, that he wishes his application to be treated as an application under the Act.

⁽¹⁾ Such an application is made under the Lloyd's Underwriting Agents' Byelaw (No. 4 of 1984)

Applications for variation or cancellation of suspension or restriction

4.—(1) Where an application to which this article applies—

- (a) related to a requirement, prohibition or other matter having effect after commencement as a requirement under section 43; and
- (b) had not been decided before commencement,

it is to be treated as an application made to the Authority under section 44 and as relating to the requirement under section 43.

(2) Where an application to which this article applies—

- (a) related to a requirement, prohibition or other matter having effect after commencement as a requirement under section 196; and
- (b) had not been decided before commencement,

it is to be treated as an application made to the Authority under section 200 and as relating to the requirement under section 196.

(3) The applications to which this article applies are—

- (a) an application under section 28(5) of the Financial Services Act;
- (b) an application under section 69 of that Act;
- (c) an application to a recognised self-regulating organisation or recognised professional body for the variation or withdrawal of a prohibition or requirement imposed by the organisation or body;
- (d) an application for the variation or withdrawal of a limit or condition imposed under section 12 of the Banking Act;
- (e) an application for the variation or revocation of a direction under section 19 of that Act;
- (f) an application under regulation 15(3) of the 2BCD Regulations or regulation 9(3) of the ISD Regulations;
- (g) an application for the variation or withdrawal of a restriction imposed under regulation 10 of the 2BCD Regulations.