

SCHEDULE

Article 40

APPLICATION OF THE ACT AND THE REGULATED ACTIVITIES ORDER TO PERSONS WITH AN INTERIM PERMISSION OR AN INTERIM APPROVAL

1. Paragraphs 2 and 3 apply to every person with an interim permission.
2. For the purposes of section 20 (authorised persons acting without permission), a person's interim permission is treated as having been given to him under Part 4 of the Act.
3. A person's interim permission is to be disregarded for the purposes of—
 - (a) section 38(2) (exemption orders);
 - (b) section 40(2) (application for permission);
 - (c) subject to paragraph 7, section 42 (giving permission);
 - (d) section 43 (imposition of requirements); and
 - (e) section 44(1), (4) and (5) (variation etc at request of authorised person).
4. Paragraphs 5(1) and 6 to 10 apply to a person who falls within section 31(1) (authorised persons) by virtue only of having an interim permission.
 - 5.—(1) A person with an interim permission is to be treated on or after commencement as an authorised person for the purposes of the Act (and any provision made under the Act), unless otherwise expressly provided for by this Schedule.
 - (2) A person with an interim approval is to be treated on or after commencement as an approved person for the purposes of the Act (and any provision made under the Act).
 6. For the purposes of section 21(2) (restrictions on financial promotion), a person with an interim permission is not to be treated as an authorised person for the purposes of communicating or approving the content of a communication except where the communication invites or induces a person to enter into (or offer to enter into) an agreement the making or performance of which constitutes a controlled activity which corresponds to a regulated activity which is covered by his interim permission.
 7. A person with an interim permission may still be an appointed representative within the meaning of section 39(2) (exemption of appointed representatives) (and hence may be treated as exempt from the general prohibition as a result of section 39(1) for the purposes of section 42(3) (a) (giving permission)).
 8. Subsection (3)(a) of section 213 (the compensation scheme) does not apply to—
 - (a) a person who is a relevant person, within the meaning of that section, by virtue only of having an interim permission; or
 - (b) an appointed representative of such person.
 9. In article 29 of the Regulated Activities Order (arranging deals with or through authorised persons), with the exception of the first reference, the references to an “authorised person” do not include a person with an interim permission.
 10. In sub-paragraph (a) of both paragraphs (2) and (3) of article 29A of the Regulated Activities Order (arrangements made in the course of administration by authorised person), the references to an “authorised person” do not include a person with an interim permission.