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STATUTORY INSTRUMENTS

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**2013 No. 1881**

**The Financial Services and Markets Act 2000  
(Regulated Activities) (Amendment) (No.2) Order 2013**

**PART 8**

Transitional provisions

CHAPTER 2

Licensing etc.

**Meaning of “relevant person” in Chapter 2**

**30.**—<sup>[F1]</sup>(1) In this Chapter, “relevant person” means a person who—

- (a) immediately before 1st April 2014 held a licence under the 1974 Act, and
- (b) on 1st April 2014 has a Part 4A permission to carry on a regulated activity by virtue of this Order (regardless of whether the person had permission via other means).

<sup>[F2]</sup>(2) Paragraph (3) applies where, before 1st April 2014, the OFT—

- (a) had given a notice to a person (“A”) under section 32A(2) of the 1974 Act (suspension of a standard licence) that it is suspending A’s licence, but
- (b) had not determined under section 34ZA of that Act (representations to OFT: suspension under section 32A) whether or not to confirm such a decision.

(3) For the purposes of article 39 (suspension of licence where determination made before 1st April 2014 but not confirmed), and of paragraph (1) in so far as it defines “relevant person” for the purposes of that article—

- (a) A is to be treated as holding a licence under the 1974 Act immediately before 1st April 2014, and
- (b) section 32A of that Act (power to suspend licence) is to be treated as if subsection (5) did not apply at that time.

(4) Paragraph (5) applies where, before 1st April 2014—

- (a) the OFT had—
  - (i) given a notice to a person (“B”) under section 32A(2) of the 1974 Act that it is suspending B’s licence, and
  - (ii) confirmed under section 34ZA of that Act its determination under section 32A of that Act, and
- (b) either—

- (i) B had submitted a notice of appeal to the First-tier Tribunal under section 41 of the 1974 Act (appeals to First-tier Tribunal under Part 3) with respect to that suspension, and the appeal had not been determined, or

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**Changes to legislation:** The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, Section 30 is up to date with all changes known to be in force on or before 24 April 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)

(ii) B had not submitted such a notice of appeal, but the specified period in respect of an appeal against the suspension had not expired.

(5) For the purposes of article 40 (suspension of licence where determination made before 1st April 2014 and confirmed), and of paragraph (1) in so far as it defines “relevant person” for the purposes of that article—

(a) B is to be treated as holding a licence under the 1974 Act immediately before 1st April 2014, and

(b) section 32A of that Act (power to suspend licence) is to be treated as if subsection (5) did not apply at that time.

(6) In this article, “specified period” has the meaning given in section 41 of the 1974 Act.]

#### Textual Amendments

**F1** Art. 30(1): art. 30 renumbered as art. 30(1) (1.4.2014) by The Financial Services and Markets Act 2000 (Consumer Credit) (Transitional Provisions) Order 2014 (S.I. 2014/376), arts. 1, **3(2)**

**F2** Art. 30(2)-(6) inserted (1.4.2014) by The Financial Services and Markets Act 2000 (Consumer Credit) (Transitional Provisions) Order 2014 (S.I. 2014/376), arts. 1, **3(3)**

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