

STATUTORY INSTRUMENTS

**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.

**Suspension of licence where determination made before 1st April 2014 and confirmed**

**40.**—(1) Paragraphs (2) to (4) apply if, before 1st April 2014—

(a) the OFT had given a notice to a person (“A”) under section 34ZA of the 1974 Act (representations to OFT: suspension under section 32A) of its determination to confirm a decision to suspend A’s licence under section 32A of that Act, [<sup>F1</sup>and]

<sup>F2</sup>(b) .....

A is a relevant person.

(2) The notice is to be treated as—

(a) if A has Part 4A permission only by virtue of this Order—

(i) a written notice under section 55Y(7) of the Act of the decision of the FCA to vary A’s Part 4A permission (except for subsection (9) of section 55Y which does not apply), and

(ii) a decision notice given under section 55Z(2) of the Act by the FCA of the decision by the FCA to cancel A’s Part 4A permission [<sup>F3</sup>(except for the purposes of sections 392(b) (application of sections 393 and 394), in so far as it applies to section 393 (third party rights), and 393 of the Act, which do not apply)];

(b) in any other case, a written notice under section 55Y(7) of the Act of the decision of the FCA to vary A’s Part 4A permission (except for subsection (9) of section 55Y which does not apply).

(3) But if A had, before 1st April 2014, 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), section 55Z3 of the Act (right to refer matters to the Tribunal) does not apply.

(4) The notice has effect subject to any necessary modifications.

**F1** Word in art. 40(1)(a) inserted (1.4.2014) by [The Financial Services and Markets Act 2000 \(Consumer Credit\) \(Transitional Provisions\) Order 2014 \(S.I. 2014/376\)](#), arts. 1, **7(2)(a)**

**F2** [Art. 40\(1\)\(b\)](#) omitted (1.4.2014) by virtue of [The Financial Services and Markets Act 2000 \(Consumer Credit\) \(Transitional Provisions\) Order 2014 \(S.I. 2014/376\)](#), arts. 1, **7(2)(b)**

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**Changes to legislation:** *The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, Section 40 is up to date with all changes known to be in force on or before 19 January 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) View outstanding changes*

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**F3** Words in art. 40(2)(a)(ii) inserted (1.4.2014) by The Financial Services and Markets Act 2000 (Consumer Credit) (Transitional Provisions) Order 2014 (S.I. 2014/376), arts. 1, **7(3)**

**Changes to legislation:**

The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, Section 40 is up to date with all changes known to be in force on or before 19 January 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.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Order revoked by [2023 c. 29 Sch. 1 Pt. 2](#)