
STATUTORY INSTRUMENTS

2013 No. 1881

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

PART 8

Transitional provisions

CHAPTER 3

Appeals

Appeals – where steps taken before 1st April 2014

54.—(1) Paragraphs (2) and (3) (in addition to provision made in Chapter 2) apply where a person (“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)(1) (“a relevant appeal”).

(2) Sections 41 to 41ZB of the 1974 Act (appeals, Tribunal procedure rules and disposal of appeals)(2) continue to apply to a relevant appeal (notwithstanding any repeal made by this Order) with the following modifications to section 41ZB—

- (a) for each reference to the “OFT” substitute “FCA”;
 - (b) omit subsections (5) and (6).
- (3) In any relevant appeal—
- (a) anything done by the OFT before 1st April 2014 in relation to the appeal is to be treated as having been done by the FCA;
 - (b) the FCA is substituted for the OFT as a party to the appeal.

Appeals – where no steps taken before 1st April 2014

55.—(1) Paragraphs (2) to (4) (in addition to provision made in Chapter 2) apply where a person (“A”) had, before 1st April 2014, a right to submit a notice of appeal to the First-tier Tribunal under section 41 of the 1974 Act but had not exercised that right before that date.

(2) A may refer the matter to the Tribunal within the specified period.

(3) Section 133 of the Act (proceedings before Tribunal: general provision)(3) applies to any such reference as if it were a disciplinary reference (within the meaning of that section).

(4) In this article, “specified period” has the same meaning as in the 1974 Act.

(1) Amended by the Enterprise Act 2002, Schedule 25, paragraph 6(1) and (21), the Consumer Credit Act 2006, sections 33, 43, 53 and 56 and Schedule 4, and [S.I. 2001/3649](#) and [2009/1835](#).

(2) Sections 41ZA and 41ZB were inserted by [S.I. 2009/1835](#).

(3) Substituted by [S.I. 2010/22](#) and amended by the Financial Services Act 2012, section 23, the Crime and Courts Act 2013 ([c.22](#)), Schedule 9, paragraph 83, and [S.I. 2013/1388](#).

Status: *This is the original version (as it was originally made).*
