
STATUTORY INSTRUMENTS

2013 No. 1882

The Financial Services Act 2012 (Consumer Credit) Order 2013

Application of provisions of the 1974 Act in relation to failure to comply with FSMA 2000

8.—(1) The following provisions of the 1974 Act apply in relation to the commission or suspected commission of a relevant offence with the modifications specified.

(2) Section 162 (powers of entry and inspection) ^{M1} applies as if a reference to “a breach of any provision of or under this Act” included a reference to a relevant offence ^{M2}.

(3) Section 163 (compensation for loss) applies in connection with the powers of a duly appointed officer of an enforcement authority as if the reference to “an offence under this Act” in subsection (1) included a reference to a relevant offence.

(4) Section 164 (power to make test purchases etc.) applies as if—

- (a) in subsection (1), the reference to “determining whether any provisions made by or under this Act are being complied with” included a reference to determining whether a relevant offence is being committed;
- (b) in subsection (4), the reference to “proceedings under this Act” included a reference to proceedings for a relevant offence.

(5) Section 165 (obstruction of authorised persons) ^{M3} applies as if—

- (a) in subsection (1)(a), the reference to “acting in pursuance of this Act” included a reference to acting in pursuance of FSMA 2000 so far as relating to a relevant offence;
- (b) in subsection (1)(c), the reference to “performing his functions under this Act” included a reference to performing functions under FSMA 2000 in relation to a relevant offence.

(6) Section 174A (powers to require provision of information or documents etc.) applies where a relevant authority (as defined in subsection (5)) is performing functions under FSMA 2000 in relation to a relevant offence.

Marginal Citations

- M1** Amended by the Enterprise Act 2002, Schedule 25, paragraph 6(1) and (33), and the Consumer Credit Act 2006, section 51 and Schedule 4.
- M2** “Relevant offence” is defined in the Financial Services Act 2012, section 107.
- M3** Inserted by the Consumer Credit Act 2006, section 51.

Changes to legislation:

There are currently no known outstanding effects for the The Financial Services Act 2012 (Consumer Credit) Order 2013, Section 8.