

SCHEDULE 3

Consequential, supplementary, incidental and transitional provision and savings relating to the transfer of functions under the Money Laundering Regulations 2007

PART 2

Transitional provisions and savings

Change in appeal procedure

6. Where the OFT has issued a notice of its decision under regulation 34(5)(b), 34(9)(b) or 42(7)(b) of the 2007 Regulations in relation to any of the functions transferred by article 5(2) and an appeal has not been started before the commencement of article 5(2)—

- (a) a person who is the subject of such a decision may appeal to the First-tier Tribunal;
- (b) any such appeal must be started in accordance with the Tribunal Procedure (First Tier Tribunal) (General Regulatory Chamber) Rules 2009(1);
- (c) after such an appeal has been started it is to be treated as an appeal under regulation 43 of the 2007 Regulations;
- (d) the Commissioners may offer a review of such a decision and where they do so regulations 43 to 43F of the 2007 Regulations apply with the following modifications—
 - (i) in regulation 43 (appeals against decisions of the Commissioners)—
 - (aa) omit paragraph (1);
 - (bb) in paragraph (2) for “a decision to which this regulation applies” substitute “a decision under regulation 34(5)(b), 34(9)(b) or 42(7)(b)”;
 - (ii) in regulation 43A (offer of review)—
 - (aa) omit paragraph (1);
 - (bb) in paragraph (2) omit “at the same time as the decision is notified to P”;
 - (iii) in the following provisions after “under regulation 43F” insert “or paragraph 6(a) of Schedule 3 to the Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014”-
 - (aa) regulation 43B(2) and (3);
 - (bb) regulation 43D(3).
 - (iv) in regulation 43E (nature of review etc.), in paragraph (3)(a) for “Commissioners” substitute “Office of Fair Trading”.

(1) S.I. 2009/1976, rule 1(2) was substituted by rule 2(2) of S.I. 2010/2653; the definition of “General Regulatory Chamber” was repealed by rule 2(2) of S.I. 2011/651; rule 22(1)(a) was substituted by rule 27(a) of S.I. 2010/43; there are other amending instruments but none are relevant.