
STATUTORY INSTRUMENTS

2015 No. 1945

The Small and Medium Sized Business
(Credit Information) Regulations 2015

PART 6

Monitoring of compliance and enforcement

CHAPTER 7

Procedure

Application of Part 26 of the 2000 Act

- 44.** Part 26 (notices) of the 2000 Act^{MI} applies for the purposes of this Part as if—
- (a) references to the PRA in that Part were omitted;
 - (b) each reference in that Part to either regulator were a reference to the FCA only;
 - (c) in section 387 (warning notices), subsections (1A) and (3A) were omitted;
 - (d) in section 388 (decision notices), subsections (1A) and (2) were omitted;
 - (e) in section 390 (final notices), in subsection (6) for “section 384(5)” there were substituted “regulation 32 of the Small and Medium Sized Business (Credit Information) Regulations 2015”;
 - (f) in section 391 (publication)—
 - (i) in subsection (1) for “falling within subsection (1ZB)” there were substituted “given under regulation 39 of the Small and Medium Sized Business (Credit Information) Regulations 2015”;
 - (ii) subsections (1ZA), (1ZB), (4A), (5), (5A), (6A), (7A), (7B), (8A), (8), (10) and (11) were omitted;
 - (g) section 391A were omitted;
 - (h) for section 392(a) and (b) (application of sections 393 and 394) there were substituted—
 - “(a) a warning notice given in accordance with regulation 39 of the Small and Medium Sized Business (Credit Information) Regulations 2015;
 - (b) a decision notice given in accordance with regulation 40 of those Regulations.”
 - (i) in section 395 (the FCA's and PRA's procedures)—
 - (i) for subsections (1) and (2) there were substituted—
 - “(1) The FCA must determine the procedure that it proposes to follow in relation to a decision which gives rise to an obligation for it to give a warning notice or decision notice.
 - (2) That procedure must be designed to secure, among other things, that a decision falling within subsection (1) is taken—

Changes to legislation: There are currently no known outstanding effects for the The Small and Medium Sized Business (Credit Information) Regulations 2015, Section 44. (See end of Document for details)

- (a) by a person not directly involved in establishing the evidence on which the decision is based, or
- (b) by two or more persons who include a person not directly involved in establishing that evidence.”;
- (ii) subsections (3), (4), (9A) and (13) were omitted, and
- (iii) in subsection (9), there were omitted “supervisory notice, or a” and “other than a warning notice or decision notice relating to a decision of the PRA that is required by a decision of the FCA of the kind mentioned in subsection (1)(b)(ii)”.

Marginal Citations

M1 Part 26 is amended by paragraph 11 of Schedule 4 to the [Regulation of Investigatory Powers Act 2000 \(c.23\)](#), [sections 13](#) and 24 of and paragraphs 28 and 29 of Schedule 2 to the Financial Services Act 2010, sections 17, 18, 19 and 24 of and paragraph 37 of Schedule 8, Schedule 9 and paragraph 8 of Schedule 13 to the Financial Services Act 2012, section 4 of and Schedule 3 to the Financial Services (Banking Reform) Act 2013, [S.I. 2005/381](#), [S.I. 2005/1433](#), [S.I. 2007/126](#), [S.I. 2007/1973](#), [S.I. 2009/534](#), [S.I. 2010/22](#), [S.I. 2012/916](#), [S.I. 2013/1388](#), [S.I. 2013/3115](#) and [S.I. 2014/2879](#).

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