

SCHEDULE 1

Administration and enforcement of Parts 3, 4, and 5

PART 5

Application of secondary legislation for the purposes of the Regulations

Service of notices

27. The Financial Services and Markets Act 2000 (Service of Notices) Regulations 2001⁽¹⁾ (“Notice Regulations”) apply with respect to any notice or document to be given by the FCA or PRA under regulation 12(3)(b) (FCA power to intervene in relation to third country firms registered with ESMA), 28(4) (FCA power to intervene), 36(4) (FCA power to impose requirements) or 40(3) or (6) (removal of persons from management boards: procedure), paragraph 12 or 13 of this Schedule or the Act as applied by these Regulations, as if—

- (a) that notice or document were “a relevant document” under the Notice Regulations;
- (b) each reference to the Act included a reference to these Regulations and to the Act as applied by these Regulations;
- (c) each reference to a section of the Act were a reference to that section as applied by these Regulations.

Disclosure of confidential information

28. The Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001⁽²⁾ apply for the purposes of section 349 of the Act (exceptions from section 348) as applied by paragraph 20.

Communications by auditors

29. The Financial Services and Markets Act 2000 (Communications by Auditors) Regulations 2001⁽³⁾ apply for the purposes of sections 342 (information given by auditor or actuary to a regulator), 343 (information given by auditor or actuary to a regulator: person with close links) and 344 (duty of auditor or actuary resigning etc. to give notice) of the Act as if—

- (a) in regulation 1(2) (citation, commencement and interpretation) “relevant requirement” included a requirement which is imposed by or under these Regulations or by Article 28 of the markets in financial instruments regulation;
- (b) in regulation 2(2)(a)(ii) (circumstances in which an auditor is to communicate) the reference to functions included a reference to the FCA’s and PRA’s functions under these Regulations and under the Act as applied by these Regulations.

(1) [S.I. 2001/1420](#).

(2) [S.I. 2001/2188](#).

(3) [S.I. 2001/2587](#).