

Chapter 6

Applications to vary and
cancel Part 4A permission and
to impose, vary or cancel
requirements

6.1 Application, interpretation and purpose

Application

- 6.1.1 **G** This chapter applies to every *firm* with a *Part 4A permission* which wishes to:
- (1) vary its *Part 4A permission*; or
 - (2) cancel its *Part 4A permission* and end its *authorisation*;
 - (3) have a new *requirement* imposed on it;
 - (4) vary a *requirement* imposed on it; or
 - (5) cancel a *requirement* imposed on it.
- 6.1.2 **G** If appropriate, a *firm* which is an *authorised fund manager* should also refer to **COLL 7** for *guidance* on the termination of *ICVCs*, *ACs* and *AUTs* and on winding up *authorised funds* that are not commercially viable.
- 6.1.3 **G** [deleted]
- 6.1.3A **G**
- (1) In **SUP 6** the "relevant regulator" is the regulator to which a *firm* with a *Part 4A permission* has made or can make (in accordance with **SUP 6**) an application to vary or cancel its *Part 4A permission* or to have imposed on it a new *requirement* or to vary or cancel any existing *requirement* (see **SUP 6.2.3A G** to **SUP 6.2.3E G**).
 - (2) Where the *PRA* can only determine an application with the consent of the *FCA*, the *FCA* may request further information as if it were the relevant regulator.
 - (3) In some instances, the *Act* requires the *FCA* and the *PRA* to consult with each other prior to exercising their powers under the *Act*. Details of where consultation is required have not been set out in **SUP 6**. Where a provision in **SUP 6** makes reference to a power, the exercise of which by the *FCA* or the *PRA* (as the case may be) requires consultation under the *Act*, *firms* should be aware that the regulator concerned will need to consult the other regulator before exercising that power.

Purpose

6.1.4

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This chapter explains:

- (1) how a *firm* with a *Part 4A permission* can apply to the relevant regulator to vary that *permission*;
- (2) how a *firm* which has ceased to carry on any of the *regulated activities* for which it has a *Part 4A permission*, or which expects to do so in the short term (normally less than six months), should apply to the relevant regulator to cancel that *permission* completely;
- (2A) how a *firm* with a *Part 4A permission* can apply to the relevant regulator to:
 - (a) have a new *requirement* imposed on it; or
 - (b) vary a *requirement* imposed on it; or
 - (c) cancel a *requirement* imposed on it.
- (3) the additional procedures that apply to a *firm* carrying on *regulated activities* which create long term obligations to *customers* (for example, *effecting contracts of insurance, carrying out contracts of insurance or accepting deposits*) that needs to wind down (run off) its business over a long term period (normally more than six months) and the applications it should make with a view to ultimately cancelling its *permission*; and
- (4) how the relevant regulator assesses those applications.

6.1.5

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This chapter also outlines the relevant regulator's powers to withdraw *authorisation* from a *firm* whose *Part 4A permission* has been cancelled at the *firm's* request.

6.1.6

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This chapter does not cover the *FCA's* use of its *own-initiative variation power* or, in respect of *FCA-authorised persons*, its *additional own-initiative variation power* to vary or cancel a *firm's Part 4A permission* or its *own-initiative requirement power* to impose, vary or cancel a *requirement* (see ■ SUP 7 (Individual requirements) and ■ EG 8 (Variation and cancellation of permission and imposition of requirements on the *FCA's* own initiative and intervention against incoming firms)).