

Chapter 2

Statutory notices and the allocation of decision making

2.1 Statutory notices

When statutory notices are required

- 2.1.1G The circumstances in which the *warning notice* and *decision notice* procedure apply are set out in ■ DEPP 2 Annex 1.
- 2.1.2G The circumstances in which the *supervisory notice* procedure apply are set out in ■ DEPP 2 Annex 2.
- 2.1.3G ■ DEPP 2 Annex 1 and ■ DEPP 2 Annex 2 identify the provisions of the *Act* or other enactment giving rise to the need for the relevant notice, and whether the decision maker is the *RDC* or *FCA* staff under *executive procedures* in each case.

Consistent decision making

- 2.1.4G *FCA* staff responsible for the taking of a *statutory notice* decision under *executive procedures* may refer the matter to the *RDC* for the *RDC* to decide whether to give the statutory notice if:

(1) the *RDC* is already considering, or is shortly to consider, a closely related matter; and

(2) the relevant *FCA* staff believe, having regard to all the circumstances, that the *RDC* should have responsibility for the decision. The relevant considerations might include:

(a) the desirability of consistency in *FCA* decision making;

(b) potential savings in the time and cost of reaching a decision;

(c) the factors identified in ■ DEPP 3.3.2 G as relevant to an assessment of whether a decision should be regarded as straightforward.

2.1.4AG If a *statutory notice* decision is referred to the *RDC* which would otherwise be taken by *executive procedures* in accordance with ■ DEPP 2.1.4G, the *RDC* will follow the procedure as set out at ■ DEPP 3.2.
- DEPP 2/2

www.handbook.fca.org.uk

■ Release 35 ● Apr 2024