

## Chapter 6A

The power to impose a suspension, restriction, condition, limitation or disciplinary prohibition



## 6A.4 The interaction between the power to impose suspensions, restrictions, conditions, limitations or disciplinary prohibitions and the power to impose penalties or public censures

- 6A.4.1** **G** The deterrent effect and impact on a *person* of a combination of sanctions may be greater than where only a single sanction is imposed. The *FCA* will consider the overall impact and deterrent effect of the sanctions it imposes when determining the level of any penalty and the length of suspension, restriction, condition, limitation or disciplinary prohibition.
- 6A.4.2** **G** The *FCA* expects usually to take the following approach in respect of the interaction between sanctions:
- (1) The *FCA* will determine which sanction, or combination of sanctions, is appropriate for the *breach*.
  - (2) If the *FCA*, following the approach set out in ■ DEPP 6.2, considers it appropriate to impose a financial penalty, it will calculate the appropriate level of the financial penalty, following the approach set out in ■ DEPP 6.5 to ■ DEPP 6.5D.
  - (3) If the *FCA*, following the approach set out in ■ DEPP 6A.2, considers it appropriate to impose a suspension, restriction, condition, limitation or disciplinary prohibition (or some combination of these), it will calculate the appropriate length of the period (or periods) of sanction, following the approach set out in ■ DEPP 6A.3 or ■ DEPP 6A.3A, as appropriate.
  - (4) Where the *FCA* considers it appropriate to impose a combination of sanctions, it will decide whether the combined impact on the *person* is likely to be disproportionate in respect to the *breach* and the deterrent effect of the sanctions.
  - (5) If the *FCA* considers the combined impact on the *person* is likely to be disproportionate, it will decide whether to reduce the period of suspension, restriction, condition, or disciplinary prohibition, and the amount of any financial penalty or both, so that the combined impact of the sanctions is proportionate in relation to the *breach* and the deterrent effect of the sanctions. The *FCA* will decide which sanction or sanctions to reduce after considering all the circumstances of the case.

- (6) In deciding the final level of any financial penalty and the length of any period of suspension, restriction, condition, limitation or disciplinary prohibition, the *FCA* will also take into account any representations by the *person* that the combined impact will cause them serious financial hardship. The *FCA* will take the approach set out in ■ DEPP 6.5D in assessing this.

**6A.4.3**

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The *FCA* may depart from the approach set out in ■ DEPP 6A.4.2 G. For example, the *FCA* may at the outset consider that a financial penalty is the only appropriate sanction for a *breach* but, having determined the appropriate level of financial penalty, may consider it appropriate to reduce the amount of the financial penalty for serious financial hardship reasons. In such a situation, the *FCA* may consider it appropriate to impose a suspension, restriction, condition, limitation or disciplinary prohibition even if the *FCA* at the outset did not consider such a sanction to be appropriate. The *FCA* will take into account whether the *person* would suffer serious financial hardship in deciding the length of the period of suspension, restriction, condition, limitation or disciplinary prohibition and may decide not to impose such a measure if it considers such action would result in serious financial hardship.