

The Decision Procedure and Penalties manual

DEPP TP 1 Transitional provisions applying to the Decision Procedure and Penalties Manual

1. Table DEPP TP 1

(1)	(2) Material to which the trans- itional provision applies	(3)	(4) Transitional provision	(5) Transitional pro- vision dates in force:	(6) Handbook pro- vision coming into force
1	DEPP	G	Expired		
2	DEPP 6.7 (Dis- count for early settlement),	G	Expired		
3	DEPP	G	Expired		
4	DEPP	G	Expired		
5	DEPP	G	A <i>firm or individual</i> who has been given a <i>statutory notice</i> before the commencement date in cases where the <i>RDC</i> , but for these changes, would be re- sponsible for giving the <i>decision</i> <i>notice</i> will continue to have that matter dealt with by the <i>RDC</i> under the <i>RDC</i> procedures until the matter is concluded.	Commencement date	Commencement date

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Schedule 1 Record keeping requirements

Sch 1.1 G

There are no record-keeping requirements in *DEPP*.

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Schedule 2 Notification requirements

Sch 2.1 G

There are no notification requirements in *DEPP*.

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Schedule 3 Fees and other required payments

Sch 3.1 G

There are no requirements for fees in *DEPP*.

Sch 3.2 G

The *FCA*'s power to impose financial penalties is contained in:

- Section 63A (Power to impose penalties) of the *Act*
- Section 66 (Disciplinary powers) of the *Act*
- Section 88A (Disciplinary powers: contravention of s.88(3)(c) or (e)) of the *Act*
- Section 89Q (Disciplinary powers: contravention of s.89P(4)(b) or (d)) of the *Act*
- Section 91 (Penalties for breach of Part 6 Rules) of the *Act*
- Section 123 (Power to impose penalties in cases of market abuse) of the *Act*
- section 131G (Power to impose penalty or issue censure) of the *Act*
- Section 143W (Disciplinary powers for non-authorised parent undertakings) of the *Act*.
- Section 192K (Power to impose penalty or issue censure) of the *Act*
- Section 206 (Financial penalties) of the *Act*
- Section 249 (Disciplinary measures) of the *Act*
- Section 312F (Financial penalties) of the *Act*
- Section 345 (Disciplinary measures) of the *Act*
- Part III of Schedule 1ZA (The Financial Conduct Authority) to the *Act*
- the *Money Laundering Regulations*
- the *Transfer of Funds (Information on the Payer) Regulations 2007 (SI 2007/3298)*
- the *RCB Regulations*
- the *Payment Services Regulations*
- [deleted]
- the *OTC derivatives, CCPs and trade repositories regulation*
- the *AIFMD UK regulation*
- the *Referral Fees Regulations*
- the *CCA Order*
- the *Immigration Regulations*
- the *MCD Order*
- the *Small and Medium Sized Business (Credit Information) Regulations*

the *MiFI Regulations*
the *UK Benchmarks Regulations 2018*
the *UK Securitisation Regulations*

the *DRS Regulations*
the *Payment Accounts Regulations*
the *Small and Medium Sized Business (Finance Platforms) Regulations*
the *Proxy Advisors (Shareholders' Rights) Regulations*
the Financial Services and Markets Act 2023 (Digital Securities Sandbox) Regulations 2023

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Schedule 4 Powers Exercised

Sch 4.1 G

The following powers and related provisions in or under the Act have been exercised by the FCA to make the statements of policy in *DEPP*:

- Section 63C (Statement of policy)
- Section 63ZD (Statement of policy relating to conditional approval and variation)
- Section 69 (Statement of policy) (including as applied by paragraph 1 of Schedule 5 to the *Payment Services Regulations*)
- Section 88C (Action under s.88A: statement of policy)
- Section 89S (Action under s. 89Q: statement of policy)
- Section 93(1) (Statement of policy)
- Section 124(1) (Statement of policy)
- Section 131J (Impositions of penalties under section 131G: statement of policy)
- Section 139A (Power of the FCA to give guidance)
- Section 143Y (Statement of policy for penalties under section 143W)
- Section 169(9) (Investigations etc in support of overseas regulator) (including as applied by paragraph 3 of Schedule 5 to the *Payment Services Regulations*)
- Section 192N (Imposition of penalties under section 192K: statement of policy)
- Section 210(1) (Statements of policy) (including as applied by regulation 86(6) of the *Payment Services Regulations*, by article 23(4) of the *MCD Order*, regulation 43 of the *Small and Medium Sized Business (Credit Information) Regulations*, by regulation 36(6) of the *Payment Accounts Regulations*, regulation 40 of the *Small and Medium Sized Business (Finance Platforms) Regulations* and by Part 3 of the Schedule to the Financial Services and Markets Act 2023 (Digital Securities Sandbox) Regulations 2023)
- Section 249 (Disciplinary measures)
- Section 312J (Statement of policy)
- Section 345D (Imposition of penalties on auditors or actuaries: statement of policy)
- Section 395 (The Authority's procedures) (including as applied by Part 3 of the Schedule to the Financial Services and Markets Act 2023 (Digital Securities Sandbox) Regulations 2023, by paragraph 7 of Schedule 5 to the *Payment Services Regulations*, by article 24(2) of the *MCD Order*, regulation 44 of the *Small and Medium Sized Business (Credit Information) Regulations*, by paragraph 4 of Schedule 7 of the *Payment Accounts Regulations* and by regulation 41 of the *Small and Medium Sized Business (Finance Platforms) Regulations*)
- Paragraph 16 (Penalties) of Schedule 1 (The Financial Services Authority)

Sch 4.2 G

The following additional powers and related provisions have been exercised by the *FCA* to make the statements of policy in *DEPP*:

Regulation 42 (Guidance) of the *RCB Regulations*
 Regulation 44 (Warning notices and decision notices) of the *RCB Regulations*
 Regulation 86 (Proposal to take disciplinary measures) of the *Payment Services Regulations*
 Regulation 93 (Guidance) of the *Payment Services Regulations*
 [deleted]
 Regulation 70 (Warning Notices, Decision Notices and Supervisory Notices) of the *AIFMD UK regulation*
 Regulation 71 (Application of Act to unauthorised AIFs) of the *AIFMD UK regulation*
 Regulation 29 (Statements of policy) of the *Referral Fees Regulations*
 Regulation 30 (Application of Part 26 of the 2000 Act) of the *Referral Fees Regulations*
 Article 3(11) (Application of provisions of FSMA 2000 in connection with failure to comply with the 1974 Act) of the *CCA Order*
 Article 4 (Statement of policy) of the *CCA Order*
 Regulation 28 (Statements of policy) of the *Immigration Regulations*
 Regulation 29 (Application of Part 26 of the 2000 Act) of the *Immigration Regulations*
 Paragraph 7 of Schedule 1 (Guidance) of the *MiFI Regulations*
 Paragraph 14 of Schedule 1 (Statements of Policy) of the *MiFI Regulations*
 Paragraph 22 of Schedule 1 (Application of Part 26 of the Act) of the *MiFI Regulations*
 Regulation 20 (Guidance) of the *DRS Regulations*
 Regulation 27 (Statements of Policy) of the *DRS Regulations*
 Regulation 37 (Application of Part 26 of the Act) of the *DRS Regulations*
 Regulation 82 (The FCA: procedure (general)) of the *Money Laundering Regulations*
 Paragraph 3 (Statements of Policy) of Schedule 1 of the *Packaged Retail and Insurance-based Investment Products Regulations*
 Paragraph 6 (Application of Part 26 of the Act) of Schedule 1 to the *Packaged Retail and Insurance-based Investment Products Regulations*
 Regulation 14 (Statements of Policy) of the *UK Benchmarks Regulations 2018*
 Regulation 19 (Application of Part 11 of the Act (information gathering and investigations)) of the *UK Benchmarks Regulations 2018*
 Regulation 23 (Application of Part 26 of the Act (notices)) of the *UK Benchmarks Regulations 2018*
 Regulation 9 (Statements of Policy) of the *UK Securitisation Regulations*
 Paragraph 1 of Schedule 1 (Application of sections 66 to 70 of the Act) of the *UK Securitisation Regulations*
 Paragraph 3 of Schedule 1 (Application of Part 11 of the Act (information gathering and investigation)) of the *UK Securitisation Regulations*
 Paragraph 4 of Schedule 1 (Application of Part 14 of the Act (disciplinary measures)) of the *UK Securitisation Regulations*
 Application of Part 26 of the Act (notices) of the *UK Securitisation Regulations*

Regulation 16 (Statement of policy on imposition of penalties) of the *Proxy Advisors (Shareholders' Rights) Regulations*

Regulation 22 (Application of Part 11 of the Act (information gathering and investigations)) of the *Proxy Advisors (Shareholders' Rights) Regulations*

Regulation 26 (Application of Part 26 of the Act (notices)) of the *Proxy Advisors (Shareholders' Rights) Regulations*

Regulation 5 (Guidance) of the *CRA (EU Exit) Regulations*

Regulation 8 (Statement of policy) of the *CRA (EU Exit) Regulations*

Regulation 18 (Information gathering and investigations) of the *CRA (EU Exit) Regulations*

Regulation 19 (Notices) of the *CRA (EU Exit) Regulations*

Regulation 69 (Statement of policy) of the *Trade Repositories (EU Exit) Regulations*

Regulation 71 (Powers to issue guidance) of the *Trade Repositories (EU Exit) Regulations*

Regulation 75 (Application of Part 11 of the Act (information gathering and investigations)) of the *Trade Repositories (EU Exit) Regulations*

Regulation 76 (Application of Part 26 of the Act (notices)) of the *Trade Repositories (EU Exit) Regulations*

Regulation 69 (Statement of policy) of the *Trade Repositories (EU Exit) Regulations*, as applied by regulation 15 of the *Securitisation (Amendment) (EU Exit) Regulations*

Regulation 71 (Powers to issue guidance) of the *Trade Repositories (EU Exit) Regulations*, as applied by regulation 15 of the *Securitisation (Amendment) (EU Exit) Regulations*

Regulation 75 (Application of Part 11 of the Act (information gathering and investigations)) of the *Trade Repositories (EU Exit) Regulations*, as applied by regulation 15 of the *Securitisation (Amendment) (EU Exit) Regulations*

Regulation 76 (Application of Part 26 of the Act (notices)) of the *Trade Repositories (EU Exit) Regulations*, as applied by regulation 15 of the *Securitisation (Amendment) (EU Exit) Regulations*

Regulation 30 (Statement of policy) of the *SFTR (EU Exit) Regulations*

Regulation 32 (Powers to issue guidance) of the *SFTR (EU Exit) Regulations*

Regulation 36 (Application of Part 11 of the Act (information gathering and investigations)) of the *SFTR (EU Exit) Regulations*

Regulation 37 (Application of Part 26 of the Act (notices)) of the *SFTR (EU Exit) Regulations*

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Schedule 5 Rights of action for damages

Sch 5.1 G

There are no rules in *DEPP*.

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Schedule 6 Rules that can be waived

Sch 6.1 G

There are no rules in *DEPP*.

