

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 transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision dates in force:	(6) Handbook provision coming into force
1	DEPP	G	Expired		
2	DEPP 6.7 (Discount for early settlement),	G	Expired		
3	DEPP	G	Expired		
4	DEPP	G	Expired		
5	DEPP	G	A firm or individual who has been given a <i>statutory notice</i> before the commencement date in cases where the RDC, but for these changes, would be responsible for giving the <i>decision notice</i> will continue to have that matter dealt with by the RDC under the RDC 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-authorized 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

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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* and by regulation 40 of the *Small and Medium Sized Business (Finance Platforms) Regulations*)
- 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 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*.

