

## Chapter 1C

### Introduction (Primary information providers)

## 1C.2 Modifying rules and consulting the FCA

### Modifying or dispensing with rules

- 1C.2.1** **R** (1) The *FCA* may dispense with, or modify, a requirement in **DTR 8** in such cases and by reference to such circumstances as it considers appropriate (subject to the *Act*).
- (2) A dispensation or modification may be either unconditional or subject to specified conditions.
- (3) If a *primary information provider* or a *person* that is applying for approval as a *primary information provider* has applied for, or been granted, a dispensation or modification, it must notify the *FCA* immediately it becomes aware of any matter which is material to the relevance or appropriateness of the dispensation or modification.
- (4) The *FCA* may revoke or modify a dispensation or modification.
- 1C.2.2** **R** (1) An application to the *FCA* to dispense with or modify a requirement in **DTR 8** must be in writing.
- (2) The application must:
- (a) contain a clear explanation of why the dispensation or modification is requested;
  - (b) include details of any special requirements, for example, the date by which the dispensation or modification is required;
  - (c) contain all relevant information that should reasonably be brought to the *FCA*'s attention;
  - (d) contain any statement or information that is required by **DTR 8** to be included for a specific type of dispensation or modification; and
  - (e) include copies of all documents relevant to the application.
- 1C.2.3** **R** An application to dispense with or modify a requirement in **DTR 8** must ordinarily be made at least five *business days* before the proposed dispensation or modification is to take effect.

**Early consultation with FCA**

1C.2.4

**R**

A primary information provider or a person applying for approval as a primary information provider must consult with the FCA at the earliest possible stage if they:

- (1) are in doubt about how a requirement in ■ DTR 8 applies in a particular situation; or
- (2) consider that it may be necessary for the FCA to dispense with or modify a requirement in ■ DTR 8.

1C.2.5

**R**

Where a requirement in ■ DTR 8 refers to consultation with the FCA, submissions must be made in writing other than in circumstances of exceptional urgency.

**Address for correspondence**

**Note:** The FCA's address for correspondence in relation to ■ DTR 8 is:

Primary Market Monitoring  
Markets Division  
The Financial Conduct Authority  
12 Endeavour Square  
London  
E20 1JN  
Fax: 0207 066 8349.