

## Chapter 1C

### Introduction (Primary information providers)



1C.2 Modifying rules and consulting the FCA

Modifying or dispensing with rules

- 1C.2.1

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(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

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(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.

[Note:

the application may meet this requirement with copies of documents produced, recorded or stored using *electronic means*].

1C.2.3

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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.

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**Early consultation with FCA**

1C.2.4

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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

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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

Enforcement and Market Oversight Division

The Financial Conduct Authority

12 Endeavour Square

London, E20 1JN

<https://www.fca.org.uk/markets/primary-markets/contact/request-individual-guidance>