

## Chapter 11

# Restitution and redress

## 11.5 Other relevant powers

### 11.5.1

The *FCA* may apply to the court for an *injunction* if it appears that a *person*, whether *authorised* or not, is reasonably likely to breach a relevant requirement<sup>12</sup>, or engage in *market abuse*. It can also apply for an *injunction* if a *person* has breached one of those requirements or has engaged in *market abuse* and is likely to continue doing so.

<sup>12</sup> Under section 380(6)(a) and (7)(a), a 'relevant requirement' in relation to an application by the appropriate regulator means a requirement: which is imposed by or under the *Act* or by a qualifying provision specified, or of a description specified, for the purpose of section 380(6) by the Treasury by order; or which is imposed by or under any other *Act* and whose contravention constitutes an offence mentioned in section 402(1) of the *Act*; or which is imposed by the *AIFMD UK regulation*. The definition of "appropriate regulator" is set out in section 380(8) to (12) of the *Act*.

### 11.5.2

The *FCA* may consider taking disciplinary action using a range of powers as well as seeking restitution, if a *person* has breached a relevant requirement<sup>13</sup> of the *Act*, the *UK auctioning regulations* or any *onshored regulation*, or has engaged in *market abuse*.

<sup>13</sup> Under section 204A(2), a 'relevant requirement' in relation to an application by the appropriate regulator means a requirement: which is imposed by or under the *Act* or by a qualifying provision specified, or of a description specified, for the purpose of section 204A(2) by the Treasury by order or which is imposed by the *AIFMD UK regulation*. The definition of "appropriate regulator" is set out in section 204A(3) of the *Act*.

### 11.5.3

The *FCA* may consider exercising its power to prosecute offences under the *Act*, as well as applying to seek restitution if a *person* has breached certain requirements of the *Act*.