

Chapter 8A

Directions and determinations
by the FCA waiving, varying or
disapplying CCA requirements



8A.3 Applying for a direction or determination by the FCA waiving, varying or disapplying CCA requirements

Publication

8A.3.1 **G** The *FCA* intends to include any direction or determination made by the *FCA* waiving, varying or disapplying CCA requirements in the public register under section 347 of the *Act*.

Form and method of application

8A.3.2 **D** A *firm* wishing to apply for a direction under section 60(3) of the *CCA*, must complete the application form in ■ SUP 8A Annex 1 D and submit it to the *FCA* in the way set out in ■ SUP 15.7.4 R, ■ SUP 15.7.5A R, ■ SUP 15.7.6A G and ■ SUP 15.7.9 G.

8A.3.3 **D** A *firm* wishing to apply for a determination under section 64(4) of the *CCA* must apply to the *FCA* in the way set out in ■ SUP 15.7.4 R, ■ SUP 15.7.5A R, ■ SUP 15.7.6A G and ■ SUP 15.7.9 G.

8A.3.4 **D** A *firm* wishing to apply for a direction under section 101(8) of the *CCA* must complete the application form in ■ SUP 8A Annex 2 D and the information form in ■ SUP 8A Annex 3 D, and submit them to the *FCA* in the way set out in ■ SUP 15.7.4 R, ■ SUP 15.7.5A R, ■ SUP 15.7.6A G and ■ SUP 15.7.9 G.

Procedure on receipt of an application

8A.3.5 **G** The *FCA* will acknowledge an application promptly and, if necessary, will seek further information from the *firm*. The time taken to determine an application will depend on the issues it raises. A *firm* should make it clear in the application if it needs a decision within a specific time.

8A.3.6 **G** The *FCA* will treat a *firm's* application as withdrawn if it does not hear from the *firm* within 20 *business days* of sending a communication which requests or requires a response from the *firm*. The *FCA* will not do this if the *firm* has made it clear to the *FCA* in some other way that it intends to pursue the application.

- 8A.3.7** **G** If the *FCA* decides not to give a direction or a determination, it will give reasons for the decision.
- 8A.3.8** **G** A *firm* may withdraw its application at any time up to the giving of the direction or determination. In doing so, a *firm* should give the *FCA* its reasons for withdrawing the application.