

**LEGAL CUTOVER (GENERAL TRANSITIONAL AND MISCELLANEOUS  
PROVISIONS) INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating or modifying a Relevant Instrument and the functions of making rules and issuing guidance.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced certain of the Financial Conduct Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to the Order.
- E. Article 2(1)(c) of the Early Commencement Order commenced certain of the Prudential Regulation Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.

**Interpretation**

1 In this Instrument (including the Recitals):

- (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
- (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
- (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
- (4) "the 2012 Act" means the Financial Services Act 2012;
- (5) "the Authority" means the Financial Services Authority;
- (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
- (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;
- (8) "Handbook" means the Authority's Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority's Handbook website at 11h59 pm on 27 February 2013;

- (9) “Relevant Instrument” has the meaning in section 119(6)(b) of the 2012 Act;
- (10) “FSA Instrument” means an instrument published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument;
- (11) “FCA Relevant Instrument” means a Relevant Instrument designated by the Financial Conduct Authority under paragraph 2; and
- (12) “PRA Relevant Instrument” means a Relevant Instrument designated by the Prudential Regulation Authority under paragraph 14 and excludes any Relevant Instrument falling within paragraph 15.

### **Designation of rules etc. by the Financial Conduct Authority**

- 2 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority designates the rules, guidance, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave, imposed or amended each part or provision of the Handbook, identified as:
  - (1) “Designated” in Column 2 of Annex G or Annex H to this Instrument; and
  - (2) “FCA” or “FCA/PRA” in Column 3 of Annex G or Annex H to this Instrument.
- 3 As required by Article 3(1)(c) and (d) of the Designation Order, the Financial Conduct Authority specifies that:
  - (1) The FCA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The FCA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The FCA Relevant instruments collectively are treated as made, issued, given or imposed by the Financial Conduct Authority under the corresponding provisions set out in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 4 In accordance with Article 2(2)(a) of the Designation Order, each FCA Relevant Instrument is treated as having been made, issued, given or imposed by the Financial Conduct Authority.

### **Modification of rules etc. by the Financial Conduct Authority**

- 5 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority modifies each FCA Relevant Instrument (or part of such instrument) as specified in Annex A, Annex B and Annex C to this Instrument.

**Rules etc. made, given or amended by the Financial Conduct Authority**

- 6 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 9, the Financial Conduct Authority makes, issues, gives, amends or imposes:
- (1) each provision in Annex A, Annex D, Annex E and Annex F to this Instrument; and
  - (2) each provision in Annex B and Annex C to this Instrument that meets all of the conditions in paragraph 7; and
  - (3) any amendment that is not a modification made in accordance with paragraph 5 specified in a provision in Annex B and Annex C to this Instrument that meets all of the conditions in paragraph 8.
- 7 The conditions referred to in paragraph 6(2) are that a provision is:
- (1) identified as “Made” in Column 2 of Annex G or Annex H to this Instrument; and
  - (2) identified as “FCA” or “PRA/FCA” in Column 3 of Annex G or Annex H to this Instrument.
- 8 The conditions referred to in paragraph 6(3) are that a provision is:
- (1) identified as “Designated” in Column 2 of Annex G or Annex H to this Instrument; and
  - (2) identified as “FCA” or “PRA/FCA” in Column 3 of Annex G or Annex H to this Instrument.
- 9 The Financial Conduct Authority makes, issues, gives, amends or imposes the provisions in paragraph 6 in exercise of the powers and related provisions of the 2000 Act, as amended by the 2012 Act, and of other enactments as amended by or under the 2012 Act, listed in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 10 The rule-making powers in paragraph 9 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

**Commencement: Financial Conduct Authority**

- 11 As required by Article 3(1) of the Designation Order, the Financial Conduct Authority specifies that the designation (in paragraph 2) and the modification (in paragraph 5) of each FCA Relevant Instrument come into effect on 1 April 2013.
- 12 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into effect on 1 April 2013.
- 13 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 2 and the modifications in paragraph 5.

### **Designation of rules etc. by the Prudential Regulation Authority**

14 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority designates the rules, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, gave or amended the part or provision of the Handbook identified as:

- (1) “Designated” in Column 2 of Annex G or Annex H to this Instrument; and
- (2) “PRA” or “FCA/PRA” in Column 3 of Annex G or Annex H to this Instrument.

15 The designation by the Prudential Regulation Authority in paragraph 14 excludes any provision designated as guidance in an FSA Instrument.

16 As required by Article 3(1)(c) and (d) of the Designation Order, the Prudential Regulation Authority specifies that:

- (1) The PRA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
- (2) The PRA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
- (3) The PRA Relevant instruments collectively are treated as made, issued, given or imposed by the Prudential Regulation Authority under the corresponding provisions set out in column 3 of Parts 1 to 10 of Schedule A to this Instrument.

17 In accordance with Article 2(2)(a) of the Designation Order, each PRA Relevant Instrument is treated as having been made, issued, given or imposed by the Prudential Regulation Authority.

### **Modification of rules etc. by the Prudential Regulation Authority**

18 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such instrument) as specified in Annex A, Annex B and Annex C to this Instrument.

### **Rules etc. made, given or amended by the Prudential Regulation Authority**

19 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 22, the Prudential Regulation Authority makes, issues, gives, amends or imposes:

- (1) each provision in Annex A to this Instrument; and
- (2) each provision in Annex B and Annex C to this Instrument that meets all of the conditions in paragraph 20; and
- (3) any amendment that is not a modification made in accordance with paragraph 18 specified in a provision in Annex B or Annex C to this Instrument that meets all of the conditions in paragraph 21.

- 20 The conditions referred to in paragraph 19(2) are that a provision is:
- (1) identified as “Made” in Column 2 of Annex G or Annex H to this Instrument; and
  - (2) identified as “PRA” or “PRA/FCA” in Column 3 of Annex G or Annex H to this Instrument.
- 21 The conditions referred to in paragraph 19(3) are that a provision is:
- (1) identified as “Designated” in Column 2 of Annex G or Annex H to this Instrument; and
  - (2) identified as “PRA” or “PRA/FCA” in Column 3 of Annex G or Annex H to this Instrument,
- 22 The Prudential Regulation Authority makes, gives, amends or imposes the provisions in paragraph 19 in exercise of the powers and related provisions of the 2000 Act, as amended by the 2012 Act, and of other enactments as amended by or under the 2012 Act, listed in column 3 of Parts 1 to 10 of Schedule A to this Instrument.
- 23 The rule-making powers in paragraph 22 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.
- 24 The Prudential Regulation Authority gives as guidance:
- (1) each provision in Annex B to this instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex G or Annex H that is marked with a “G” in Column 1 of Annex G or Annex H to this Instrument; and
  - (2) each provision listed in Annex G or Annex H to this Instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex G or Annex H that is:
    - (a) marked with a “G” in Column 1 of Annex G or Annex H to this Instrument, and
    - (b) not in Annex B to this Instrument.

**Commencement: Prudential Regulation Authority**

- 25 As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the designation (in paragraph 14) and the modification (in paragraph 18) of each PRA Relevant Instrument comes into effect on 1 April 2013.
- 26 The Prudential Regulation Authority directs that paragraph 18 of this Instrument comes into effect on 1 April 2013.
- 27 The Prudential Regulation Authority directs that paragraph 19 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 14 and the modifications in paragraph 18.

## Amendments to the Handbooks

28 The modules of the FCA's and PRA's Handbooks of rules and guidance listed in column (1) below are amended in accordance with the Annexes to this Instrument listed in column (2):

(1)	(2)
Glossary of definitions	Annex A
General Provisions (GEN)	Annex B
Supervision manual (SUP)	Annex C
Conduct of Business sourcebook (COBS)	Annex D
Insurance: Conduct of Business sourcebook (ICOBS)	Annex E
Mortgages and Home Finance: Conduct of Business sourcebook (MCOB)	Annex F

## Citation

29 This Instrument may be cited as the Legal Cutover (General Transitional and Miscellaneous Provisions) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

19 March 2013

**By order of the Board of the Prudential Regulation Authority**

22 March 2013

## Annex A

### Amendments to the Glossary of definitions

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

Insert the following new definitions in the appropriate alphabetical position. The text is not underlined.

- accountable functions* (1) (in the *FCA Handbook* and in relation to an *approved person*) the functions described in *APER* 1.1A.2P, which are in summary:
- (a) *FCA controlled functions*;
  - (b) *PRA controlled functions*; and
  - (c) any other functions in relation to the carrying on of a *regulated activity*;

in relation to the *authorised persons* in relation to which that *person* is an *approved person*.

- (2) (in the *PRA Handbook* and in relation to an *approved person*) the functions described in *APER* 1.1B.2P, which are in summary:
- (a) *PRA controlled functions*;
  - (b) *FCA controlled functions* that are *significant-influence functions*; and
  - (c) any other *significant-influence functions*;

in relation to the *PRA-authorised persons* in relation to which that *person* is an *approved person*.

*accountable significant-influence function* (in the *FCA Handbook*) any *accountable function* that is a *significant-influence function*.

*clearing facilitation service* (in relation to a *RIE*) any *regulated activity* carried on by an *RIE* for the purposes of, or in connection with, the provision by the *RIE* of services designed to facilitate the provision of clearing services by another person.

<i>current approved person approval</i>	(in relation to an <i>approved person</i> in relation to a particular <i>firm</i> and <i>controlled function</i> as at any particular time) an approval under section 59 of the <i>Act</i> (Approval for particular arrangements) given by the <i>FCA</i> or the <i>PRA</i> in relation to that <i>person</i> for the performance of that <i>controlled function</i> in relation to that <i>firm</i> that is in force at that time.
<i>current FCA approved person approval</i>	a <i>current approved person approval</i> given by the <i>FCA</i> .
<i>current PRA approved person approval</i>	a <i>current approved person approval</i> given by the <i>PRA</i> .
<i>customer-dealing function</i>	(in accordance with section 59(7A) of the <i>Act</i> (Approval for particular arrangements) in relation to the carrying on of a <i>regulated activity</i> by an <i>authorised person</i> (“A”) a function that will involve the <i>person</i> performing it in dealing with:  (a) customers of A; or  (b) property of customers of A;  in a manner substantially connected with the carrying on of the activity.
<i>FCA-approved person</i>	an <i>approved person</i> in relation to whom the <i>FCA</i> has given its approval under section 59 of the <i>Act</i> (Approval for particular arrangements) for the performance of an <i>FCA controlled function</i> .
<i>FCA candidate</i>	a <i>person</i> in respect of whom an application is made for approval under section 59 of the <i>Act</i> (Approval for particular arrangements) of the performance of an <i>FCA controlled function</i> .
<i>FCA controlled function</i>	a <i>controlled function</i> which is specified by the <i>FCA</i> under section 59 of the <i>Act</i> (Approval for particular arrangements) in the <i>table of FCA controlled functions</i> .
<i>FCA governing functions</i>	any of the <i>FCA controlled functions</i> 1 to 6 in Part 1 of the <i>table of FCA controlled functions</i> .
<i>FCA required functions</i>	any of the <i>FCA controlled functions</i> 8 to 11 in Part 1 or Part 2 of the <i>table of FCA controlled functions</i> .
<i>FCA significant-influence functions</i>	any of the <i>FCA controlled functions</i> 1 to 29 in Part 1 or Part 2 of the <i>table of FCA controlled functions</i> .



<i>PRA-approved person</i>	an <i>approved person</i> in relation to whom the <i>PRA</i> has given its approval under section 59 of the <i>Act</i> (Approval for particular arrangements) for the performance of a <i>PRA controlled function</i> .
<i>PRA chief executive function</i>	(in the <i>FCA Handbook</i> ) <i>PRA controlled function</i> CF3 in the <i>table of PRA controlled functions</i> .
<i>PRA controlled function</i>	a <i>controlled function</i> which is specified by the <i>PRA</i> under section 59 of the <i>Act</i> (Approval for particular arrangements) in the <i>table of PRA controlled functions</i> .
<i>PRA director function</i>	(in the <i>FCA Handbook</i> ) <i>PRA controlled function</i> CF1 in the <i>table of PRA controlled functions</i> .
<i>PRA governing function</i>	any of the <i>PRA controlled functions</i> CF1 to CF6 in the <i>table of PRA controlled functions</i> .
<i>PRA required functions</i>	any of the <i>PRA controlled functions</i> CF12 to CF12B in the <i>table of PRA controlled functions</i> .
<i>significant-influence function</i>	(in accordance with section 59(7B) of the <i>Act</i> and in relation to the carrying on of a <i>regulated activity</i> by an <i>authorised person</i> ) a function that is likely to enable the <i>person</i> responsible for its performance to exercise a significant influence on the conduct of the <i>authorised person's</i> affairs, so far as relating to the activity.
<i>table of FCA controlled functions</i>	the table of <i>controlled functions</i> in SUP 10A.4.5R.
<i>table of PRA controlled functions</i>	the table of <i>controlled functions</i> in SUP 10B.4.3R.

Amend the following definitions as shown.

<i>actuarial function</i>	(in the <i>PRA Handbook</i> ) <i>PRA controlled function</i> CF12 in the <i>table of <u>PRA</u> controlled functions</i> , described more fully in SUP 4.3.13R and <del>SUP 10.7.17R</del> <u>SUP 10B.8.1R</u> .
<i>apportionment and oversight function</i>	<i>FCA controlled function</i> CF8 in <u>Parts 1 and Part 2</u> of the <i>table of <u>FCA</u> controlled functions</i> , described more fully in <del>SUP 10.7.1R</del> <u>SUP 10A.7.1R</u> .

<i>approved person</i>	a <i>person</i> in relation to whom the <del>FSA</del> <u>FCA</u> or the <u>PRA</u> has given its approval under section 59 of the <i>Act</i> (Approval for particular arrangements) for the performance of a <i>controlled function</i> .
<i>candidate</i>	a <i>person</i> in respect of whom an application is made for approval under section 59 of the <i>Act</i> (Approval for particular arrangements) <u>of the performance of an FCA controlled function or a PRA controlled function.</u>
<i>CASS operational oversight function</i>	<u>(in the FCA Handbook) FCA controlled function CF10a in Parts 1 and 2 of the table of FCA controlled functions, described more fully in SUP 10.7.9R SUP 10A.7.9R.</u>
<i>chief executive function</i>	(1) <u>(in the FCA Handbook) FCA controlled function CF3 in Part 1 of the table of FCA controlled functions, described more fully in SUP 10.6.11R SUP 10A.6.17R.</u>  (2) <u>(in the PRA Handbook) PRA controlled function CF3 in the table of PRA controlled functions, described more fully in SUP 10B.6.7R.</u>
<i>COAF</i>	<del>the part of the Handbook in Redress which has the title Complaints against the FSA.</del>
<i>Code of Practice for Approved Persons</i>	(1) <u>(in the FCA Handbook) the provisions in APER 3 and APER 4 indicated by an “E” in the margin or heading, the purpose of which is to help determine whether or not an approved person’s conduct complies with the Statements of Principle and which are issued by the FSA FCA under section 64(2) of the Act (Conduct: statements and codes).</u>  (2) <u>(in the PRA Handbook) the provisions in APER 3 and APER 4 indicated by an “E” in the margin or heading, the purpose of which is to help determine whether or not an approved person’s conduct complies with the Statements of Principle and which are issued by the PRA under section 64(2) of the Act (Conduct: statements and codes).</u>  <u>The provisions of APER 1 marked with an “E” in the margin also form part of the Code of Practice for Approved Persons.</u>
<i>complaint</i>	(1) <del>(in COAF) any expression of dissatisfaction about the manner in which the FSA has carried out its statutory functions other than its legislative functions. [deleted]</del>  ...
<i>Complaints Commissioner</i>	<del>the person appointed by the FSA under COAF 1.3.1G (The Complaints Commissioner) to carry out the functions conferred on him under the complaints scheme.</del>

*complaints scheme* the arrangements made by the *FSA* under paragraphs 7 and 8 of Schedule 1 to the *Act* (The Financial Services Authority) for the investigation of *complaints* against the *FSA* arising in connection with the exercise of, or failure to exercise, any of its functions (other than its legislative functions) under the *Act*.

*compliance oversight function* (in the *FCA Handbook*) *FCA controlled function* CF10 in Parts 1 and 2 of the table of *FCA controlled functions*, described more fully in ~~*SUP* 10.7.8R~~ *SUP* 10A.7.8R.

*consumer* (1) (except as specified in this definition) any natural person acting for purposes outside his trade, business or profession.

[Note: article 2 of the *Distance Marketing Directive*, article 2 of the Unfair Terms in Consumer Contracts Directive (93/13/EEC), article 2 of the *E-Commerce Directive*, and article 4(11) of the *Payment Services Directive*].

(2) ~~(in relation to the *FSA's* power to make general rules (section 138 of the *Act* (General rule making power)) the approval requirements for *controllers* (section 186 of the *Act* (Objection to acquisition of control)), the publication of notices (section 391 of the *Act* (Publication)) and the exercise of *Treaty rights* (Schedule 4 to the *Act* (*Treaty rights*)) a *person*: (as further defined in section 1G of the *Act*) (in relation to the discharge of the *FCA's* general functions (sections 1B to 1E of the *Act*), the application of the regulatory principles by the regulators in section 3B of the *Act* and references by scheme operators or regulated persons (section 234D of the *Act*)) a *person*:~~

(a) who uses, has used, or is ~~or may be contemplating using, any of the services provided by~~ use:

(i) ~~an *authorised person* in carrying on regulated activities~~ regulated financial services; or

(ii) ~~a *person* acting as an *appointed representative*, or where applicable, a *tied agent*; or services that are provided by *persons* other than *authorised persons* but are provided in carrying on regulated activities; or~~

(b) who has relevant rights or interests ~~which are derived from, or are otherwise attributable to the use of, any such services by another *person* in relation to any of those services; or~~

(c) ~~who has rights or interests which may be adversely affected by the use of any such services by a *person* acting on his behalf or in a fiduciary capacity in relation~~

to him; or who has invested, or may invest, in financial instruments; or

- (ca) who has relevant rights or interests in relation to financial instruments; or
- (d) (in relation to the ~~FCA's~~ ~~FSA's~~ power to make general rules (section 137A of the Act (The FCA's general rules)) a person within the extended definition of consumer in article 3 7 of the ~~Financial Services and Markets Act 2000 (Consequential and Transitional Provisions) (Miscellaneous) Order 2001 (SI 2001/1821) Financial Services Act 2012 (Transitional Provisions) (Miscellaneous Provisions) Order 2013 (SI 442/2013 (Application of definition Definition of "consumer" to users of regulated services before commencement)~~);
- (e) (~~in relation to the FSA's power to make general rules~~) a person within the extended definition of consumer in article 4 of the ~~Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501) (Application of definition of "consumer" to customers of credit unions before commencement)~~; ~~[deleted]~~

(2A) (as further defined in section 425A of the Act) (in relation to the issue of statements or codes under section 64 of the Act), general exemptions to consultation by the FCA (section 138L of the Act) in the publication of notices (section 391 of the Act) and the exercise of Treaty rights (Schedule 4 to the Act) a person who uses, has used, may have used, or has relevant rights or interests in relation to any services provided by:

- (a) authorised persons in carrying on regulated activities;
- (b) authorised persons who are investment firms, or credit institutions, in providing relevant ancillary services; or
- (c) persons acting as appointed representatives.

for the purposes of this definition:

(A) if an ~~authorised person~~ is carrying on a ~~regulated activity~~ in his capacity a person is providing a service within (2)(a) or (2A) as a trustee, the persons who are, have been or may be beneficiaries of the trust are to be treated as persons who use, have used or ~~are or may be contemplating using services provided by the authorised person in his carrying on of that activity~~ use the service;

(AA) a person has a "relevant right or interest" in relation to any

services within (2)(a) or (2A) if that *person* has a right or interest:

- (i) which is derived from, or is otherwise attributable to, the use of the services by others; or
  - (ii) which may be adversely affected by the use of the services by persons acting on that *person*'s behalf or in a fiduciary capacity in relation to that *person*;
- (B) a *person* who deals with an ~~authorised person~~ another person ("A") in the course of the ~~authorised person's~~ carrying on of a ~~regulated activity~~ A providing a service within (2)(a) or (2A) is to be treated as using services provided by the ~~authorised person~~ in carrying on those activities. the service;
- (C) a *person* has a "relevant right or interest" in relation to any financial instrument within (2)(ca) if that *person* has a right or interest:
- (i) which is derived from, or is otherwise attributable to, investment in the instrument by others; or
  - (ii) which may be adversely affected by the investment in the instrument by persons acting on that *person*'s behalf or in a fiduciary capacity in relation to that *person*;
- (D) (for the purposes of (2A)(b)):
- (i) "credit institution" means:
    - (a) a credit institution authorised under the *banking consolidation directive*; or
    - (b) an institution which would satisfy the requirements for authorisation as a credit institution under that directive if it had its registered office (or if it does not have one, its head office) in an EEA State;
  - (ii) "relevant ancillary service" means any service of a kind mentioned in Section B of Annex I to *MiFID* the provision of which does not involve the carrying on of a *regulated activity*.
- (3) (in relation to the protection of consumers objective (section 5 of the Act (The protection of consumers)) and independent inquiries (section 14 of the Act (Cases in which the Treasury may arrange independent inquiries))) (as defined in sections 5(3) and 14(5) of the Act) a *person*:

- (a) ~~within (2); or~~
- (b) ~~who, in relation to *regulated activities* carried on otherwise than by an *authorised person*, would be a consumer within (2) if the activities were carried on by an *authorised person*. [deleted]~~
- (4) (as further defined in section 425A and 425B of the Act) (in relation to the establishment and maintenance of the Consumer Panel (section 10(7) 1Q of the Act (The Consumer Panel))) (as defined in section 10(7) 1Q of the Act) a person within (3) other than an authorised person., complaints by consumer bodies (section 234C of the Act):
- (a) a person within (2A), other than an *authorised person*; and
- (b) (in relation to *regulated activities* carried on otherwise than by *authorised persons*) a person, other than an *authorised person*, who would have been a “consumer” within (2A) if the activities were carried on by an *authorised person*.
- (5) ~~(with respect to *Northern Ireland credit unions* and in relation to the FSA’s power to make general rules, the protection of consumers objective and independent inquiries) a person within (2)(a), (2)(b), (2)(c) or (3)(b). [deleted]~~
- (5A) (as further defined in sections 425A and 425B of the Act) until 31 March 2014, with respect to the publication of information in relation to activities carried on by *Northern Ireland credit unions* (section 391 of the Act and article 5 of the Financial Services and Markets Act 2000 (Permissions, Transitional Provisions and Consequential Amendments) (Northern Ireland Credit Unions) Order 2011 (SI 2832/2011) a person within (4)(b).
- (6) ~~(with respect to *Northern Ireland credit unions* and in relation to the establishment of the Consumer Panel) a person within (5) other than an *authorised person*. [deleted]~~

*controlled function*

a function, relating to the carrying on of a *regulated activity* by a *firm*, which is specified by either the *FCA* (in the *table of FCA controlled functions*) or the *PRA* (in the *table of PRA controlled functions*), under section 59 of the *Act* (Approval for particular arrangements) in the *table of controlled functions*.

*customer function*

~~the~~ (in the *FCA Handbook*) *FCA controlled function* CF30 in Parts 1 and 2 of the *table of FCA controlled functions*, described more fully in ~~SUP 10.10.7AR~~ SUP 10A.10.7R.

<i>director function</i>	<p>(1) <u>(in the FCA Handbook) FCA controlled function CF1 in Part 1 of the table of FCA controlled functions, described more fully in <del>SUP 10.6.4R</del> SUP 10A.6.7R and SUP 10A.6.8R.</u></p> <p>(2) <u>(in the PRA Handbook) PRA controlled function CF1 in the table of PRA controlled functions, described more fully in SUP 10B.6.1R and SUP 10B.6.2R.</u></p>
<i>director of unincorporated association function</i>	<p>(1) <u>(in the FCA Handbook) FCA controlled function CF5 in Part 1 of the table of FCA controlled functions, described more fully in <del>SUP 10.6.24R</del> SUP 10A.6.29R.</u></p> <p>(2) <u>(in the PRA Handbook) PRA controlled function CF5 in the table of PRA controlled functions, described more fully in SUP 10B.6.15R.</u></p>
<i>executive procedures</i>	the procedures relating to the giving of warning notices, decision notices and <i>supervisory notices</i> that are described in <i>DEPP 4</i> (Decisions by <del>FS</del> <u>FCA</u> staff under executive procedures).
<i>facilities</i>	<p>(in relation to a <i>recognised body</i>) the facilities and services which it provides in the course of carrying on <i>exempt activities</i>; <del>and references</del> <u>References</u> to the use of the facilities of an <i>RIE</i> or <i>RAP</i> are to be construed as follows:</p> <p>(a) dealings or transactions on an <i>RIE</i> or <i>RAP</i> are references to dealings or transactions which are effected by means of the <i>RIE</i>'s or <i>RAP</i>'s facilities or which are governed by the rules of the <i>RIE</i> or <i>RAP</i>; <del>and</del></p> <p>(b) references to the use of the facilities of an <i>RIE</i> or <i>RAP</i> include use which consists of any such dealings or entering into any such transactions.</p>
<i>financial year</i>	<p>(1) (in <i>DISP</i> <u>and FEES 5</u>) the 12 months ending with 31 March.</p> <p>...</p>
<i>governing function</i>	<del>any of the controlled functions 1 to 6 in the table of controlled functions.</del>
<i>home territory</i>	(in relation to an <i>overseas investment exchange</i> <del>or an overseas clearing house</del> ) the country or territory in which its head office is situated.
<i>Lloyd's actuary function</i>	<u>(in the PRA Handbook) PRA controlled function CF12B in the table of PRA controlled functions, described more fully in <del>SUP 10.7.22R</del> SUP 10B.8.3R.</u>

*market contract*

a market contract as described in section 155(2)(a) of the Companies Act 1989 or article 80(2)(a) of the Companies (No2) (Northern Ireland) Order 1990 which is in summary:

~~(a)~~ a contract entered into by a *member* or *designated non-member* of an *RIE* with a person other than the *RIE* which is either:

~~(i)~~ (a) a contract made on the exchange or an exchange to whose undertaking the exchange has succeeded; or

~~(ii)~~ (b) a contract in the making of which the *member* or *designated non-member* was subject to the rules of the exchange or of an exchange to whose undertaking the exchange has succeeded;

~~(b)~~ a contract entered into by an *RIE* or *RCH*, in its capacity as such, with one of its *members*, or with an *RCH* or with an *RIE*, for the purpose of:

~~(i)~~ enabling the rights and liabilities of that *member*, or clearing house or other investment exchange, under a transaction, to be settled; or

~~(ii)~~ providing central counterparty clearing services (as described in section 155(3A) of the Companies Act 1989) to that *member* or clearing house or other investment exchange.

*money laundering reporting function*

(in the *FCA Handbook*) *FCA* controlled function CF11 in Parts 1 and 2 of the table of *FCA* controlled functions, described more fully in ~~*SUP* 10.7.13R~~ *SUP* 10A.7.10R.

*non-executive director function*

(1) (in the *FCA Handbook*) *FCA* controlled function CF2 in Part 1 of the table of *FCA* controlled functions, described more fully in ~~*SUP* 10.6.17R~~ *SUP* 10A.6.12R and *SUP* 10A.6.13R.

(2) (in the *PRA Handbook*) *PRA* controlled function CF2 in the table of *PRA* controlled functions, described more fully in *SUP* 10B.6.3R to *SUP* 10B.6.5R.

*notification rule*

...

(2) (in relation to a *recognised body*) a rule made by the ~~*FSA*~~ *FCA* under section 293 of the *Act* (Notification requirements) or section 295 of the *Act* (Notification: overseas investment exchanges and overseas clearing houses):

(a) requiring a *recognised body* to give the ~~*FSA*~~ *FCA*:

(i) notice of, and specified information regarding,



- specified events relating to the body;
  - (ii) specified information relating to the body at specified times or in respect of specified periods; and
  - (iii) any other information required to be given by such a *rule*; or
- (b) (in relation to an *RIE* ~~or *RCH*~~):
- (i) specifying descriptions of *regulatory provision* in relation to which, or circumstances in which, the duty to notify the ~~*FSA*~~ *FCA* of such *regulatory provision* in section 300B(1) of the *Act* does not apply or providing that the duty to notify applies only to specified descriptions of *regulatory provision* or in specified circumstances; or
  - (ii) making provision as to the form and contents of the notice required under (2)(b)(i), and requiring *recognised bodies* to provide specified information in connection with that notification.

~~*overseas clearing house*~~

~~a *clearing house* which has neither its head office nor its registered office in the *United Kingdom*.~~

~~*overseas recognised body*~~

~~an *ROIE* or *ROCH*.~~

*partner function*

- (1) (in the *FCA Handbook*) *FCA* controlled function CF4 in Part 1 of the table of *FCA* controlled functions, described more fully in ~~*SUP* 10.6.17R~~ *SUP* 10A.6.23R to *SUP* 10A.6.27R.
- (2) (in the *PRA Handbook*) *PRA* controlled function CF4 in the table of *PRA* controlled functions, described more fully in *SUP* 10B.6.12R to *SUP* 10B.6.14R.

*previous regulator*

- ...
- (6) (in relation to a *firm* which was authorised, or which was an *appointed representative*, under the Financial Services Act 1986 immediately before *commencement* or which was a European investment ~~*firm*~~ *firm* (as defined in the Investment Services Regulations 1995 (SI 1995/3275)) immediately before *commencement*) any of:
    - (a) *IMRO*;
    - (b) *PIA*;

- (c) *SFA*;
- (d) a *recognised professional body*; and
- (e) the *FSA*;

if the *firm* (or, if relevant, its principal for the purposes of section 44 of the Financial Services Act 1986) was subject in carrying on business to the rules, requirements, regulations or guidance of that body.

- (7) ...
- (8) (in relation to a *firm* which was authorised under the Act immediately before 1 April 2013) the *FSA*.

*recognised body* an *RIE*; or *RAP* ~~or an *RCH*~~.

- recognised body requirements*
- (1) (in relation to an *RIE* ~~or *RCH*~~) the *recognition requirements*;
  - (2) (in relation to a *UK RIE*) the *MiFID implementing requirements*;
  - (3) (in relation to an *RAP*) the *RAP recognition requirements*; and
  - (4) (in relation to any of the bodies specified in (1) to (3)) any other obligations imposed by or under the *Act*.

*recognised clearing house* a *clearing house* which is declared by a ~~*recognition order*~~ an order made by the Bank of England under section 290 or 292 of the Act and for the time being in force to be a recognised clearing house.

~~*recognised overseas clearing house* an overseas clearing house which is declared by a recognition order for the time being in force to be a recognised clearing house.~~

*recognition order* (in accordance with section 313 of the *Act* (Interpretation of Part XVIII)) an order made under section 290 or 292 of the *Act* which declares an investment exchange ~~or clearing house to be a recognised body~~ to be an *RIE* or (for *RAPs*) an order made under regulation 2 of the *RAP regulations* which declares a *UK RIE* to be an *RAP*.

- recognition requirement*
- (1) (in relation to a *UK RIE* ~~or *UK RCH*~~) any of the requirements applicable to that body under the Recognition Requirements Regulations.
  - (2) (in relation to a body applying for recognition as a *UK RIE* ~~or *UK RCH*~~) any of the requirements under the Recognition

Requirements Regulations which, if its application were successful, would apply to it.

- (3) (in relation to an *ROIE* ~~or *ROCH*~~, or to an applicant for recognition as an *ROIE* ~~or *ROCH*~~) any of the requirements in section 292(3) of the *Act* (Overseas investment exchanges and overseas clearing houses).

*regulatory provisions*

- ~~(a) (in accordance with section 302 of the *Act* (Interpretation)) (in relation to an investment exchange or clearing house) the any rules, or any guidance, arrangements or policy issued by the investment exchange in connection with its business as an investment exchange or clearing house or in connection with the provision by it of clearing facilitation services.~~

- ~~(b) (in relation to an investment exchange):~~

- ~~(i) arrangements which it has made, or proposes to make, for the provision of clearing services in respect of transactions effected on the exchange; and~~
- ~~(ii) if it provides, or proposes to provide, clearing services in respect of transactions other than those effected on the exchange, the criteria which it applies, or proposes to apply, when determining to whom it will provide those services;~~

- ~~(c) (in relation to a clearing house):~~

- ~~(i) if it makes, or proposes to make, clearing arrangements with an *RIE*, those arrangements; and~~
- ~~(ii) if it provides, or proposes to provide, clearing services for persons other than *RIEs*, the criteria which it will apply when determining to whom it will provide those services;~~

- ~~(d) (in REC 3.26) (in accordance with section 300E of the *Act*) *regulatory provision* means any rule, guidance, arrangements, policy or practice.~~

*relevant complaint*

- (1) ...
- (2) (in *REC*) (as defined in section 299(2) of the *Act* (Complaints about recognised bodies)) a complaint which the ~~*FSA*~~ *FCA* considers is relevant to the question of whether a *recognised body* should remain a *recognised body*.

<i>required function</i>	<del>any of controlled functions 8 to 12B in the table of controlled functions (SUP 10.4.5R).</del>
<i>respondent</i>	<p>(1) (in <i>DISP</i>, <i>FEES 5</i> and <i>CREDS 9</i>) a firm (except a <i>UCITS</i> qualifier), payment service provider, electronic money issuer, licensee or <i>VJ</i> participant covered by the <i>Compulsory Jurisdiction</i>, <i>Consumer Credit Jurisdiction</i> or <i>Voluntary Jurisdiction</i> of the <i>Financial Ombudsman Service</i>.</p> <p>(2) (in <i>DISP 2</i> and <i>3</i> and <i>FEES 5</i>) includes, as a result of sections 226 and 226A of the Act:</p> <p>...</p> <p>(3) (in <i>DISP 2</i> and <i>3</i> and <i>FEES 5</i>) includes, in accordance with the <i>Ombudsman Transitional Order</i>, an unauthorised person subject to the <i>Compulsory Jurisdiction</i> in relation to relevant existing complaints and relevant new complaints.</p> <p>(4) (in <i>DISP 2</i> and <i>3</i> and <i>FEES 5</i>) includes, in accordance with the <i>Mortgage and General Insurance Complaints Transitional Order</i>, a former firm subject to the <i>Compulsory Jurisdiction</i> in relation to relevant transitional complaints.</p>
<i>ROCH</i>	<del>recognised overseas clearing house.</del>
<i>senior staff committee</i>	(in <i>DEPP</i> and <i>EG</i> ) a committee consisting of senior <del>FSA</del> <i>FCA</i> staff members that is empowered to make <i>statutory notice decisions</i> and <i>statutory notice associated decisions</i> by executive procedures.
<i>settlement decision makers</i>	(in <i>DEPP</i> and <i>EG</i> ) two members of the <del>FSA's</del> <i>FCA's</i> senior management, one of whom will be of at least director of division level (which may include an acting director) and the other of whom will be of at least head of department level, with responsibility for deciding whether to give <i>statutory notices</i> in the circumstances described in <i>DEPP 5</i> . At least one of the decision makers will not be from the Enforcement and Financial Crime Division.
<i>significant influence function</i>	<del>any of controlled functions 1 to 12B, and 28 and 29 in the table of controlled functions.</del>
<i>significant management function</i>	(in the <i>FCA Handbook</i> ) <i>FCA</i> controlled function CF29 in <u>Parts 1 and 2</u> of the table of <i>FCA</i> controlled functions, described more fully in <del>SUP 10.9.10R</del> <u>SUP 10A.9.9R</u> .
<i>small friendly society function</i>	(1) (in the <i>FCA Handbook</i> ) <i>FCA</i> controlled function CF6 in <u>Part 1</u> of the table of <i>FCA</i> controlled functions, described more fully in <del>SUP 10.6.26R</del> <u>SUP 10A.6.31R to SUP 10A.6.32R</u> .

	(2)	<u>(in the PRA Handbook) PRA controlled function CF6 in the table of PRA controlled functions, described more fully in SUP 10B.6.16R to SUP 10B.6.17R.</u>
<i>Society's basic market activity</i>		<del>(in accordance with section 315(2)(a) of the Act (The Society: authorisation and permission)) arranging deals in contracts of insurance written at Lloyd's.</del>
<i>Society's secondary market activity</i>		<del>(in accordance with section 315(2)(b) of the Act (The Society: authorisation and permission)) arranging deals in participation in Lloyd's syndicates.</del>
<i>Statement of Principle</i>	(1)	<u>(in the FCA Handbook) one of the Statements of Principle issued by the FSA FCA under section 64(1) of the Act (Conduct: Statements and codes) with respect to the conduct of approved persons and set out in APER 2.1A.</u>  <u>The provisions of APER 1.1A marked with a "P" in the margin also form part of the Statements of Principle.</u>
	(2)	<u>(in the PRA Handbook) one of the Statements of Principle issued by the PRA under section 64(1A) of the Act (Conduct: Statements and codes) with respect to the conduct of approved persons and set out in APER 2.1B.</u>  <u>The provisions of APER 1.1B marked with a "P" in the margin also form part of the Statements of Principle.</u>
<i>systems and controls function</i>	(1)	<u>(in the FCA Handbook) FCA controlled function CF28 in Part 1 of the table of FCA controlled functions, described more fully in SUP 10.8.1R SUP 10A.8.1R.</u>
	(2)	<u>(in the PRA Handbook) PRA controlled function CF28 in the table of PRA controlled functions, described more fully in SUP 10B.9.1R.</u>
<i>table of controlled functions</i>		<del>the table of controlled functions in SUP 10.4.5R.</del>
<i>transitional complainants scheme</i>		<del>the arrangements made by the FSA for the investigation of complaints against the FSA and each of PIA, IMRO and SFA arising in connection with the carrying out of their functions under the Financial Services Act 1986 and the Banking Act 1987.</del>
<i>UK recognised body</i>		<del>a UK RIE; or RAP or UK RCH.</del>
<i>UK RCH</i>		<u>an RCH that is not an ROCH a clearing house which is declared by an order made by the Bank of England under section 290 of the Act and for the time being in force to be a recognised clearing house.</u>

*with-profits actuary  
function*

*(in the PRA Handbook) PRA controlled function CF12A in the table of PRA controlled functions, described more fully in SUP 4.3.16AR and ~~SUP 10.7.17AR~~ SUP 10B.8.2R.*

## Annex B

### Amendments to the General Provisions manual (GEN)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

#### 4 Statutory status disclosure

##### 4.1 Application

Who? What?

4.1.1 R This chapter applies to every *firm* and with respect to every *regulated activity*,  
[FCA/ except that:  
PRA]

...

- (5) only *GEN 4.5* (Statements about authorisation and regulation by the ~~FSA~~ appropriate regulator) applies in relation to *MiFID or equivalent third country business* and only where that *MiFID or equivalent third country business* is not business falling within paragraph 2 (Transactions between an MTF operator and its users), 3 (Transactions concluded on an MTF) or 4 (Transactions concluded on a regulated market) of Part 1 of *COBS 1 Annex 1*.

Where?

...

4.1.4 R *GEN 4.5* (Statements about authorisation and regulation by the ~~FSA~~ appropriate regulator) applies in relation to activities carried on from an establishment maintained by the *firm* (or by its *appointed representative*) in the *United Kingdom*, provided that, in the case of the *MiFID business* of an *EEA MiFID investment firm* or the activities of an *EEA UCITS management company*, it only applies to business conducted within the territory of the *United Kingdom*.  
[FCA/  
PRA]

##### 4.2 Purpose

4.2.1 G ~~The purpose of this chapter is to build upon Principle 7 (Communications with clients), which requires a firm to pay due regard to the information needs of its clients. This chapter requires the provision of appropriate minimum information about the identity of the regulator that authorised a firm. It also governs the way in which a firm may describe its regulation by the FSA appropriate regulator. This assists in the achievement of the regulatory objectives of consumer protection, market confidence and financial stability.~~  
[FCA/  
PRA]

...

4.2.1B G This chapter builds upon *Principle 7* (Communications with clients), which  
[FCA] requires a *firm* to pay due regard to the information needs of its *clients*. This  
assists in the achievement of the *statutory objectives* including the *FCA's*  
strategic objective of ensuring that relevant markets function well and the  
consumer protection and integrity objectives.

4.2.1C G This chapter assists in the achievement the *PRA's* general objective to ensure  
[PRA] the safety and soundness of *firms*.

...

### 4.3 Letter disclosure

Disclosure in letters to retail clients

4.3.1 R A *firm* must take reasonable care to ensure that every letter (or electronic  
[FCA/ equivalent) which it or its *employees* send to a *retail client*, with a view to or in  
PRA] connection with the *firm* carrying on a *regulated activity*, includes the  
disclosure in *GEN 4 Annex 1R* (firms that are not PRA-*authorised persons*) or  
*GEN 4 Annex 1AR* (PRA-*authorised persons*) as applicable.

4.3.1A G Where a letter covers both activities to which this section applies and activities  
[FCA/ to which this section does not apply, the *firm* should comply with the *rules* in  
PRA] this chapter in relation to the business to which it applies. ~~An example would be  
where a letter covers business for which the *FSA* is the *competent authority*  
under the *Insurance Mediation Directive* and under *MiFID*.~~

4.3.1B G An example for *GEN 4.3.1AG* would be where a letter covers business for  
[FCA] which the *FCA* is the *competent authority* under the *Insurance Mediation*  
*Directive* and under *MiFID*.

4.3.2 G ~~For a *UK domestic firm*, the required disclosure in *GEN 4 Annex 1R* is~~  
"Authorised and regulated by the Financial Services Authority". ~~[deleted]~~

4.3.2A G For a *UK domestic firm* that is not a *PRA-*authorised person**, the required  
[FCA] disclosure in *GEN 4 Annex 1R* is "Authorised and regulated by the Financial  
Conduct Authority".

4.3.2B G For a *UK domestic firm* that is a *PRA-*authorised person**, the required disclosure  
[FCA/ in *GEN 4 Annex 1AR* is "Authorised by the Prudential Regulation Authority  
PRA] and regulated by the Financial Conduct Authority and Prudential Regulation  
Authority".

...



#### 4.5 **Statements about authorisation and regulation by the FSA appropriate regulator**

Application

...

4.5.2 G ~~GEN 4.5.1R(1) does not apply to a *firm* when communicating with an *eligible* [FCA/ PRA] *counterparty*. However, misleading statements by a *firm* in such a communication may involve a breach of *Principle 7 (Communications with clients)* or section 397 (Misleading statements and practices) of the *Act*, as well as giving rise to private law actions for misrepresentation.~~

4.5.2A G However, misleading statements by a *firm* when communicated with an *eligible* [FCA] *counterparty* may involve a breach of *Principle 7 (Communications with clients)* or Part 7 (Offences relating to financial services) of the Financial Services Act 2012, as well as giving rise to private law actions for misrepresentation.

The duty

4.5.3 R A *firm* must not indicate or imply that it is authorised by the ~~FSA~~ FCA in [FCA] respect of business for which it is not so authorised.

4.5.3A R A *firm* must not indicate or imply that it is authorised by the *PRA* in respect of [FCA/ PRA] business for which it is not so authorised.

4.5.4 R A *firm* must not indicate or imply that it is regulated or otherwise supervised by [FCA] the ~~FSA~~ FCA in respect of business for which it is not regulated by the ~~FSA~~ FCA.

4.5.4A R A *firm* must not indicate or imply that it is regulated or otherwise supervised by [FCA/ PRA] the *PRA* in respect of business for which it is not regulated by the *PRA*.

...

4.5.6 G (1) Neither an incoming *EEA firm* nor an *incoming Treaty firm* is authorised [FCA/ PRA] by the ~~FSA~~ FCA or PRA when acting as such.

(2) It is likely to be misleading for a *firm* that is not *authorised* by the ~~FSA~~ FCA or PRA to state or imply that it is so *authorised*. It is also likely to be misleading for a *firm* to state or imply that a *client* will have recourse to the *Financial Ombudsman Service* or the *FSCS* where this is not the case.

(3) ~~As well as potentially breaching the requirements in this section, misleading statements by a *firm* may involve a breach of *Principle 7 (Communications with clients)* or section 397 (Misleading statements and practices) of the *Act*, as well as giving rise to private law actions for~~

~~misrepresentation.~~ [deleted]

4.5.6A G As well as potentially breaching the requirements in this section, misleading  
[FCA] statements by a *firm* may involve a breach of *Principle 7 (Communications with clients)* or Part 7 (Offences relating to financial services) of the *Financial Services Act 2012*, as well as giving rise to private law actions for misrepresentation.

**4 Annex Statutory status disclosure (firms that are not PRA-authorized persons)**

**1R**

[FCA]

This rule applies to firms that are not PRA-authorized persons:

	<b>Type of firm</b>	<b>Required disclosure (Note 5)</b>
(1)	<i>UK domestic firm; or overseas firm (which is not an incoming firm)</i>	"Authorised and regulated by the <del>Financial Services Authority</del> <u>Financial Conduct Authority</u> " (Note 1)
(2)	<i>Incoming firm without a top-up permission</i>	(a) "Authorised by [name of <i>Home State regulator</i> ] or  (b) "Authorised by [name of <i>Home State regulator</i> ] and subject to limited regulation by the <del>Financial Services Authority</del> <u>Financial Conduct Authority</u> . Details about the extent of our regulation by the <del>Financial Services Authority</del> <u>Financial Conduct Authority</u> are available from us on request"  (Notes 1, 2, 2a and 3)
(3)	<i>Incoming firm with a top-up permission</i>	"Authorised by [name of <i>Home State regulator</i> ] and authorised and subject to limited regulation by the <del>Financial Services Authority</del> <u>Financial Conduct Authority</u> . Details about the extent of our authorisation and regulation by the <del>Financial Services Authority</del> <u>Financial Conduct Authority</u> are available from us on request" (Notes 1, 2 and 3)
(4)	<i>Appointed representative of a firm</i>	"[Name of <i>appointed representative</i> ] is an appointed representative of [name of <i>firm</i> ] which is [then continue with the required disclosure of the <i>firm</i> ]" (Note 4)
(5)	<i>Society of Lloyd's</i>	" <del>Authorised under the Financial Services and Markets Act 2000</del> "

Note 1 = A *firm* must use the formulation "~~Financial Services Authority~~ Financial Conduct Authority" and not the abbreviated formulation "~~FSA~~ FCA".

Note 2 = An *incoming firm* is free to translate the name of its *Home State regulator* into English if it wishes. In doing so, it must ensure that the State in which the regulator is based is clear.

Note 2a = An *incoming firm* without a *top-up permission* may make either disclosure (a) or disclosure (b) unless it otherwise indicates or implies to the *customer* that it is regulated or supervised by the ~~FSA~~ FCA in which case it must make disclosure (b).

Note 3 = If a *firm* offers to make details about the extent of its authorisation or regulation by the ~~FSA~~ FCA available on request and a *customer* requests such details, it must provide those details in a way that is clear, fair and not misleading.

Note 4 = If the *appointed representative* has more than one *principal*, the disclosure must relate to the *principal* or *principals* responsible for the *regulated activity* or activities concerned. The required disclosure of the *firm* is that which would apply were the *firm* to make the disclosure under the *rules* applicable to it.

Note 5 = Any *firm* listed in this table is permitted to add words to the relevant required disclosure statement but only if the *firm* has taken reasonable steps to satisfy itself that the presentation of its statutory status will, as a consequence, be fair, clear and not misleading and be likely to be understood by the average member of the group to whom it is directed or by whom it is likely to be received. For example, an *authorised professional firm* may wish to make it clear that it is also regulated by its professional body.

Insert the following new Annex after GEN 4 Annex 1R. The text is not underlined.

#### 4 Annex Statutory status disclosure (PRA-authorised persons)

1AR  
[FCA/  
PRA]

This *rule* applies to *firms* that are *PRA-authorised persons*:

	Type of firm	Required disclosure (Note 5)
(1)	<i>UK domestic firm</i>	"Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority"  (Note 1)
(2)	<i>overseas firm</i> (which is not an	"[Authorised and regulated by [name of the <i>overseas regulator</i> of the <i>overseas firm</i> in the jurisdiction of that <i>overseas firm's</i> registered office (or, if it has no

	<i>incoming firm</i> )	registered office, its head office)]]. Authorised by the Prudential Regulation Authority. Subject to regulation by the Financial Conduct Authority and limited regulation by the Prudential Regulation Authority. Details about the extent of our regulation by the Prudential Regulation Authority are available from us on request."  (Notes 1, 2, 3 and 3a)
(3)	<i>Incoming firm without a top-up permission</i>	(a) "Authorised by [name of <i>Home State regulator</i> ]" or  (b) "Authorised by [name of <i>Home State regulator</i> ] and subject to limited regulation by the Financial Conduct Authority and Prudential Regulation Authority. Details about the extent of our regulation by the Financial Conduct Authority and Prudential Regulation Authority are available from us on request"  (Notes 1, 2, 2a, 2b and 3)
(4)	<i>Incoming firm with a top-up permission</i>	"Authorised by [name of <i>Home State regulator</i> ] and the Prudential Regulation Authority and subject to limited regulation by the Financial Conduct Authority and Prudential Regulation Authority. Details about the extent of our authorisation and regulation by the Prudential Regulation Authority, and regulation by the Financial Conduct Authority are available from us on request"  (Notes 1, 2, 2b and 3)
(5)	<i>Appointed representative of a firm</i>	"[Name of <i>appointed representative</i> ] is an appointed representative of [name of <i>firm</i> ] which is [then continue with the required disclosure of the <i>firm</i> ]"  (Note 4)
(6)	<i>Society of Lloyd's</i>	"Authorised under the Financial Services and Markets Act 2000"
<p>Note 1 = A <i>firm</i> must use the formulation "Financial Conduct Authority" or "Prudential Regulation Authority" and not the abbreviated formulation "FCA" or "PRA" respectively.</p> <p>Note 2 = An <i>incoming firm</i> or <i>overseas firm</i> is free to translate the name of its <i>Home State regulator</i> or <i>overseas regulator</i> into English if it wishes. In doing so, it must ensure that the State in which the regulator is based is clear.</p>		

Note 2a = An *incoming firm* without a *top-up permission* may make either disclosure (a) or disclosure (b) unless it otherwise indicates or implies to the *customer* that it is regulated or supervised by the *FCA* or *PRA*, in which case it must make disclosure (b).

Note 2b – An *incoming EEA firm* exercising establishment rights in the *UK* under the *Banking Consolidation Directive*, which do not include the activity of acceptance of deposits and other repayable funds, will be subject to branch liquidity and other supervision by the *FCA*.

Note 3 = If a *firm* offers to make details about the extent of its authorisation by the *PRA* or regulation by the *FCA* or *PRA* available on request and a *customer* requests such details, it must provide those details in a way that is clear, fair and not misleading.

Note 3a = An *overseas firm* that is not an *incoming firm* is only required to disclose its authorisation and/or regulated by an *overseas regulator* if it is so authorised and/or regulated.

Note 4 = If the *appointed representative* has more than one *principal*, the disclosure must relate to the *principal* or *principals* responsible for the *regulated activity* or activities concerned. The required disclosure of the *firm* is that which would apply were the firm to make the disclosure under the *rules* applicable to the *firm*.

Note 5 = Any *firm* listed in this table is permitted to add words to the relevant required disclosure statement but only if the *firm* has taken reasonable steps to satisfy itself that the presentation of its statutory status will, as a consequence, be fair, clear and not misleading and be likely to be understood by the average member of the group to whom it is directed or by whom it is likely to be received.

Amend the following as shown.

## **5 The ~~FSA logo~~ Regulators' logos and the keyfacts logo**

### **5.1 Application and purpose**

Application

5.1.1 G This chapter contains:  
[FCA]

- (1) *guidance for firms, authorised payment institutions and authorised electronic money institutions and their appointed representatives, agents or tied agents on the circumstances in which the ~~FSA~~ FCA permits them to reproduce the ~~FSA and FCA~~ logos;*
- (2) *rules on the use by firms of the keyfacts logo.*

Purpose

- 5.1.2 [FCA] G ~~The FSA logo is a registered UK service mark, with number 2150560. The FCA logo is a registered UK service mark, with number 2629534.~~ The keyfacts logo is a registered Community trade mark, with the number ~~E3866688~~EU3866688. ~~Both~~ All are the property of the ~~FSA~~ FCA. They are also subject to copyright and may be used or reproduced with permission of the ~~FSA~~ FCA only. If the FSA, FCA, or keyfacts logos are reproduced or otherwise used by any person without such permission the ~~FSA~~ FCA may seek to enforce its rights over its property through the Courts.
- 5.1.3 [FCA] G GEN 5 Annex 1G is a general licence, which sets out the circumstances in which the ~~FSA~~ FCA permits a *person* to whom this chapter applies to reproduce the FSA and keyfacts logos. Such a *person* need not apply for an individual licence if it uses or reproduces the logos in accordance with the general licence.
- 5.1.3A [FCA] G No general licence is granted by the FCA in respect of the FCA logo.
- 5.1.4 [FCA] G The ~~FSA~~ FCA has no policy to allow use of the ~~logos~~ FSA or keyfacts logos by a *person* to whom this chapter applies other than as set out in GEN 5 Annex 1G. If, however, such a *person* wishes to use or reproduce either of the logos other than in accordance with the general licence, it may apply to the ~~FSA~~ FCA for an individual licence, giving full reasons why it considers the ~~FSA~~ FCA should grant the licence.

...

The FSA logo

- 5.1.8 [FCA] R A *firm* must not use the FSA logo (and must take all reasonable steps to ensure that its *representatives* do not use the FSA logo) in any communication with a *client* other than in accordance with the general licence in GEN 5 Annex 1G or any individual licence granted by the ~~FSA~~ FCA to the *firm* or its *representatives*.
- 5.1.9 [FCA] G The general licence in GEN 5 Annex 1G to use the FSA logo will continue till 1 April 2014 whereupon the general licence is revoked by GEN 5 Annex 1G, 7.1.

The FCA logo

- 5.1.10 [FCA] R A *firm* must not use the FCA logo (and must take all reasonable steps to ensure that its *representatives* do not use the FCA logo) in any communication with a *client* other than in accordance with any individual licence granted by the FCA to the *firm* or its *representatives*.

**5 Annex 1G Licence for use of the FSA and keyfacts logos**

[FCA]

<b>Application</b>	
1.1	The <del>FSA</del> <u>FCA</u> grants this licence to <i>firms, authorised payment institutions, authorised electronic money institutions, appointed representatives, agents and tied agents.</i>
<b>The FSA and keyfacts logos</b>	
...	
2.4	Copyright subsists in the <del>FSA and keyfacts logos</del> <u>logo</u> .
2.5	Copies of the <del>FSA and keyfacts logos</del> <u>logo</u> that are capable of being reproduced for printing can be found on the <del>FSA's</del> <u>FCA's</u> website at <a href="http://www.fca.org.uk">www.fca.org.uk</a> <del>http://www.fsa.gov.uk/Pages/Library/Other_publications/Logos_and_Photos/index.shtml</del>
<b>Permission to use the FSA logo</b>	
3.1	A UK domestic firm, its appointed representatives and tied agents, an authorised payment institution and its agents and an authorised electronic money institution and its agents are permitted to use the FSA logo:
	...
	(2) if required to do so by the <del>FSA</del> <u>FCA</u> .
3.1A	[deleted]
3.2	The disclosure required by <i>GEN 4.3.1R</i> (Disclosure in letters to <i>retail clients</i> ) as continued in <i>GEN TP 1.3(3).13</i> is an example of a statement within paragraph 3.1 above.
...	
<b>Further conditions on the use of the FSA and keyfacts logos</b>	
5.1	The permissions in paragraphs 3.1 and 3A.1 are also subject to the conditions that any material, whether produced on paper or electronically, on which the FSA or keyfacts logos are displayed does not:
	(1) in any way imply that the <del>FSA</del> <u>FCA</u> is endorsing the licensee or its products, services or communications (see also <i>GEN 1.2.2R(1)</i> ); or
	(2) misrepresent the licensee's relationship with the <del>FSA</del> <u>FCA</u> or present false information about the <del>FSA</del> <u>FCA</u> ; or

6.1	[deleted]
<b>Commencement and duration</b>	
7.1	This licence comes into effect on 1 May 2003 except that in relation to the keyfacts logo it comes into effect on 6 November 2006. <u>In relation to the FSA logo, this licence ceases to have effect and is revoked on 1 April 2014.</u>
7.2	The <del>FSA</del> <u>FCA</u> may alter or revoke this licence at any time, by giving at least two months' notice on the <del>FSA's</del> <u>FCA's</u> website.
<b>Interpretation</b>	
8.1	This licence is to be interpreted in accordance with chapter 2 of the General provisions (Interpreting the Handbook) of the <u>Handbook</u> <del>FSA's Handbook of Rules and Guidance</del> . In particular, expressions in italics are defined in the Glossary.

## 6 Insurance against financial penalties

### 6.1 Payment of financial penalties

#### Application

6.1.1 R This chapter applies to every *firm*, but only with respect to business that can be regulated under ~~section 138~~ sections 137A (The FCA's general rules) and 137G (The PRA's general rules) of the *Act* (~~General rule-making power~~).

...

6.1.4 R In this chapter 'financial penalty' means a financial penalty that the ~~FSA~~ appropriate regulator has imposed, or may impose, under the *Act*. It does not include a financial penalty imposed by any other body.

6.1.4A R No *firm*, except a *sole trader*, may pay a financial penalty imposed by the ~~FSA~~ appropriate regulator on a present or former *employee*, *director* or *partner* of the *firm* or of an *affiliated company*.

...

6.1.7 G *GEN 6.1.4AR*, *GEN 6.1.5R* and *GEN 6.1.6R* do not prevent a *firm* or *member* from entering into, arranging, claiming on or making any payment under a *contract of insurance* which indemnifies any *person* against all or part of the costs of defending ~~FSA~~ appropriate regulator enforcement action or any costs they may be ordered to pay to the ~~FSA~~ appropriate regulator.

GEN TP 1.1 and 1.2 are deleted in their entirety. The deleted text is not shown.



Amend the following as shown.

**GEN TP 1.3 (3) Transitional Provisions applying to GEN only**

(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
...					
<u>13</u>	<u>GEN 4.3.1R, GEN 4 Annex 1R and GEN 4 Annex 1AR</u>	<u>R</u>	<u>A firm may comply with GEN 4.3.1R and GEN 4 Annex 1R as in force on 31 March 2013.</u>	<u>From 1 April 2013 until 1 April 2014</u>	<u>1 April 2013</u>
<u>14</u>	<u>GEN 4.5.3R, GEN 4.5.3AR, GEN 4.5.4R and GEN 4.5.4AR</u>	<u>R</u>	<u>A firm can continue to make statements about authorisation and regulation by the FSA as long as such statements would not have breached GEN 4.5.3R and GEN 4.5.4R as they were in force on 31 March 2013 had such statements been made on 31 March 2013.</u>	<u>From 1 April 2013 until 1 April 2014</u>	<u>1 April 2013</u>

After GEN TP 1.3(3) insert new Transitional Provisions TP 2.1 and TP 2.2. The text is not underlined.

**GEN TP 2.1**

**Table: 1 Transitional Provisions applying across the FCA and PRA Handbooks**

(1)	The purpose of these transitional provisions is to assist a smooth transition at cutover. They comprise various technical provisions that will apply across the whole <i>FCA and PRA Handbooks</i> and achieve results that most people would probably expect to apply in any event.
(2)	These transitional provisions consist of general transitional provisions, which apply at a high level of generality, and more specific transitional provisions in relation to record keeping and <i>notification rules</i> .

(3)	The more specific transitional provisions relating to record keeping and <i>notification rules</i> override the general transitional provisions. Both the general and the more specific transitional provisions do not apply if the context requires otherwise and are subject to any more specific transitional provision elsewhere in the <i>FCA</i> and <i>PRA Handbooks</i> relating to the matter.
(4)	Definitions for these transitional provisions, additional to those in the <i>Glossary</i> , are provided at paragraph 15 of the table.

## GEN TP 2.2

**Table 2: Transitional Provisions applying across the FCA and PRA Handbooks**

(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	Every provision in the <i>FCA</i> and <i>PRA Handbooks</i> , unless the context otherwise requires and subject to any more specific transitional provision relating to the matter	R	<b>Acts under pre-cutover provisions</b> Anything done, or having effect as done, under or for the purposes of any pre-cutover provision has effect as if done under or for the purposes of any substantially similar provision in the <i>FCA</i> and <i>PRA Handbooks</i> .	From 1 April 2013	1 April 2013
2	Paragraph 1	G	For example, a <i>firm</i> may rely on action to establish the best price, taken shortly before cutover for the purposes of the <i>FSA</i> 's best execution rule, for the purposes of compliance with the <i>FCA</i> 's best execution rule, even if the transaction is <i>executed</i> after cutover.	From 1 April 2013	1 April 2013
3	Every provision in the <i>FCA</i> and <i>PRA</i>	R	<b>Series of events</b> If the application of any	From 1 April	1 April 2013

	<i>Handbooks</i> , unless the context otherwise requires and subject to any more specific transitional provision relating to the matter		provision in the <i>FCA</i> or <i>PRA Handbooks</i> is dependent on the occurrence of a series of events, some of which occur before, and some of which occur after, cutover, the provision applies with respect to the events that occur after cutover.	2013	
4	Paragraph 3	G	For example, a <i>firm</i> which <i>executes</i> an aggregated order shortly before cutover must comply with <i>COBS</i> 11.3.8R (Requirement for fair allocation) if the allocation occurs after cutover.	From 1 April 2013	1 April 2013
5	Every provision in the <i>FCA</i> and <i>PRA Handbooks</i> , unless the context otherwise requires and subject to any more specific transitional provision relating to the matter	R	<b>Deemed references to pre-cutover provisions</b> Any reference (express or implied) in a provision in the <i>FCA</i> or <i>PRA Handbooks</i> to a provision of or made under the <i>Act</i> is to be read (so far as the context permits and according to the context) as being or including, in relation to times, circumstances and purposes before cutover, a reference to any substantially similar pre-cutover provision.	From 1 April 2013	1 April 2013
6	Paragraph 5	G	For example, <i>SUP</i> 11.6.4R requires a <i>firm</i> authorised by the <i>FCA</i> to notify the <i>FCA</i> when a change in <i>control</i> , previously notified under <i>SUP</i> 11.4.2R, has taken place. Such a <i>firm</i> must notify a change in	From 1 April 2013	1 April 2013

			<i>control</i> that takes place after cutover, even if previously notified under <i>SUP</i> 11.4.2R as made by the <i>FSA</i> (and <i>SUP</i> 11.6.4R is to be read as referring to that pre-cutover provision).		
7	Every provision in the <i>FCA</i> and <i>PRA Handbooks</i> , unless the context otherwise requires and subject to any more specific transitional provision relating to the matter	R	<p><b>Time starting before cutover</b></p> <p>If, at cutover, time has begun to run for any purpose under any pre-cutover provision applicable to a <i>firm</i> or other person, then:</p> <p>(1) time will be regarded as having started to run, for the purposes of any substantially similar provision in the <i>FCA</i> or <i>PRA Handbooks</i>, when it started to run for that other purpose; and</p> <p>(2) the <i>firm</i> or other person will be relieved of its obligation to comply with the relevant pre-cutover provision if and to the extent that it complies with the substantially similar provision as extended by this transitional provision.</p>	From 1 April 2013	1 April 2013
8	Paragraph 7	G	For example, certain <i>firms</i> were required to submit product sales data reports within 20 <i>business days</i> of the end of the quarter by <i>SUP</i> 16.11.3R as made by the <i>FSA</i> . If the quarter end fell five days before cutover, the <i>firms</i> must still submit the report within 20 <i>business days</i> ,	From 1 April 2013	1 April 2013

			but in accordance with <i>SUP</i> 16.7.8R as made by the <i>FCA</i> .		
9	Every <i>rule</i> in the <i>FCA</i> and <i>PRA Handbooks</i> requiring a record to be made or retained (see schedule 1), unless the context otherwise requires and subject to any more specific transitional provision relating to the matter	R	<b>Record keeping</b> A <i>firm</i> or other person will not contravene a <i>rule</i> in the <i>FCA</i> or <i>PRA Handbooks</i> requiring a record to be made or retained to the extent that the <i>firm</i> or other person: (1) made a record of the matter before cutover in accordance with the <i>rule</i> or with a substantially similar pre-cutover provision applicable to the <i>firm</i> or other person; and (2) retains that record as if the <i>rule</i> was in force when the record was made.	From 1 April 2013	1 April 2013
10	Every <i>rule</i> in the <i>FCA</i> and <i>PRA Handbooks</i> requiring a record to be made or retained (see schedule 1), unless the context otherwise requires and subject to any more specific transitional provision relating to the matter	G	This transitional provision makes specific provision, in relation to record keeping, for the matters covered by paragraph 1. It is included for clarity and overrides those general transitional provisions.	From 1 April 2013	1 April 2013
11	Every <i>rule</i> in the <i>FCA</i> and <i>PRA Handbooks</i> requiring a record to be made or retained (see schedule 1), unless the context otherwise requires and subject to any more specific transitional provision relating to the matter	R	A <i>firm</i> or other person must retain a record in accordance with a <i>rule</i> in the <i>FCA</i> or <i>PRA Handbooks</i> requiring a record of that sort to be retained, if the <i>firm</i> or other person was required to make and retain that record before cutover under a substantially similar	From 1 April 2013	1 April 2013

			pre-cutover provision applicable to the <i>firm</i> or other person.		
12	Paragraph 9	G	This transitional provision makes specific provision, in relation to records, for the matters covered by paragraphs 5 and 7. It is included for clarity and overrides those general transitional provisions.	From 1 April 2013	1 April 2013
13.	Every <i>notification rule</i> in the <i>FCA</i> and <i>PRA Handbooks</i> (see schedule 2), unless the context otherwise requires and subject to any more specific transitional provision relating to the matter	R	<b>Notification</b> A <i>firm</i> (or its auditor, <i>appointed actuary</i> or <i>appropriate actuary</i> ) or other person will not contravene a <i>notification rule</i> in the <i>FCA</i> or <i>PRA Handbooks</i> to the extent that notice of the relevant matter was given to the <i>FSA</i> before cutover in accordance with: (1) the <i>notification rule</i> ; or (2) a substantially similar pre-cutover provision applicable to the <i>firm</i> or other person.	From 1 April 2013	1 April 2013
14	Paragraph 13	G	This transitional provision makes specific provision, in relation to notifications, for the matters covered by paragraphs 1 and 3. It is included for clarity and overrides those general transitional provisions.	From 1 April 2013	1 April 2013
15	As paragraphs 1 to 14	R	<b>Definitions</b> In these transitional provisions: (1) "pre-cutover provision" means a	From 1 April 2013	1 April 2013

			provision repealed or revoked by or under the Financial Services Act 2012 or a rule or guidance of the <i>FSA</i> , including (where the context permits) any relevant provision which it replaced before cutover;		
			(2) "substantially similar" means substantially similar in purpose and effect;		
			(3) a reference to a "provision" in the <i>FCA</i> or <i>PRA Handbooks</i> means every type of provision, including <i>rules, guidance, provisions in codes, and so on; and</i>		
			(4) "cutover" means 1 April 2013.		
16	Paragraph 17	G	<b>Application for provisions which are not rules</b> The purpose of paragraph 17 is to ensure that the transitional provisions in paragraphs 1 to 8 apply throughout the <i>FCA</i> and <i>PRA Handbooks</i> .	From 1 April 2013	1 April 2013
17	<i>Statements of Principle, the Code of Practice for Approved Persons and Code of Market Conduct and directions and requirements and guidance and other provisions in the FCA Handbook and PRA</i>	P	The provisions in paragraphs 1 to 10 apply to every <i>person</i> to whom the provisions referred to in column (2) apply as if the <i>rules</i> in those paragraphs were part of those provisions.	From 1 April 2013	1 April 2013

	<p><i>Handbook</i> (that is, provisions with the status letter "D" or "G" in the margin or heading) unless the context otherwise requires and subject to any more specific transitional provision relating to the matter</p>				
--	--	--	--	--	--

Schedule 4 is deleted in its entirety and replaced as follows. The deleted text is not shown.

**Schedule 4 Powers exercised** [to follow later]

Amend the following as shown.

**Schedule 5 Rights of action for damages**

Sch 5.1 G The table below sets out the *rules* in *GEN* contravention of which by an *authorised person* may be actionable under section ~~150~~ 138D of the *Act* (Actions for damages) by a person who suffers loss as a result of the contravention.

Sch 5.2 G If a 'Yes' appears in the column headed 'For *private person*?', the *rule* may be actionable by a 'private person' under section ~~150~~ 138D (or, in certain circumstances, his fiduciary or representative; see article 6(2) and (3)(c) of the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001 (SI 2001/2256)). A 'Yes' in the column headed 'Removed' indicates that the ~~FSA~~ FCA has removed the right of action under section ~~150(2)~~ 138D(3) of the *Act*. If so, a reference to the *rule* in which it is removed is also given.

Sch 5.3 G The column headed 'For other person?' indicates whether the *rule* may be actionable by a person other than a *private person* (or his fiduciary or representative) under article 6(2) and (3) of those Regulations. If so, an indication of the type of *person* by whom the *rule* may be actionable is given.

Sch 5.4 G

Chapter/Appendix	Section/Annex	Paragraph	Right of action under section <del>150</del> <u>138D</u>		
			For private person?	Removed	For other person?
All <i>rules</i> in <i>GEN</i> with the status letter "E"			No	No	No



<i>GEN</i> 2.1.8R			No	No	No
All other rules in <i>GEN</i>			Yes	No	No

## Schedule 6 Rules that can be waived

Sch 6.1 G 4 ~~As a result of regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973) the FSA has power to waive all its rules, other than rules made under section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the Act. However, if the rules incorporate requirements laid down in European directives, it will not be possible for the FSA to grant a waiver that would be incompatible with the United Kingdom's responsibilities under those directives. It therefore follows that if a rule contains provisions which derive partly from a directive, and partly not, the FSA will be able to consider a waiver of the latter requirements only, unless the directive provisions are optional rather than mandatory.~~

2 ~~*GEN* 2.1.8R is made by FOS Ltd and not by the FSA and cannot be waived by the FSA.~~

3 ~~Every other rule in *GEN* can be waived by the FSA if, and to the extent that, the rules elsewhere in the Handbook which it modifies or to which it otherwise relates can be waived by the FSA. [deleted]~~

Sch 6.1A  
G As a result of section 138A of the Act (Modification or waiver of rules) the FCA has power to waive all its rules, other than rules made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the Act. However, if the rules incorporate requirements laid down in European directives, it will not be possible for the FCA to grant a waiver that would be incompatible with the United Kingdom's responsibilities under those directives.

Sch 6.1B  
G As a result of section 138A of the Act (Modification or waiver of rules) the PRA has power to waive all its rules, other than rules made under section 137O (Threshold condition code). However, if the rules incorporate requirements laid down in European directives, it will not be possible for the PRA to grant a waiver that would be incompatible with the United Kingdom's responsibilities under those directives.

Sch 6.2 G 1 *GEN* 2.1.8R is made by FOS Ltd and not by the appropriate regulator and cannot be waived by the appropriate regulator.

2 Every other rule in *GEN* can be waived by the appropriate regulator if, and to the extent that, the rules elsewhere in its Handbook which it modifies or to which it otherwise relates can be waived by the appropriate regulator.

## Annex C

### Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 21.1 Form of waiver for energy participants

...

21.1.2 G *Energy market participants* should bear in mind that section 138A and 138B of the *Act* requires that in order to give a *waiver* of particular *rules*, the ~~FSA~~ FCA must be satisfied that:

- (1) compliance with the *rules*, or with the *rules* as unmodified, would be unduly burdensome or would not achieve the purpose for which the *rules* were made; and
- (2) the *waiver* would not ~~result in undue risk to persons whose interests the rules are intended to protect~~ adversely affect the advancement of any of the *FCA*'s operational objectives.

...

#### Appendix 3 Guidance on passporting issues

...

App 3.3.14 G Blanket notification is the practice of the *Home State regulator* notifying all *Host State regulators* in respect of all activities regardless of any genuine intention to carry on the activity. This practice is discouraged by the ~~FSA~~ FCA and PRA. However, a *firm* may be carrying on activities in the *United Kingdom* or elsewhere in a way that necessarily gives rise to a real possibility of the provision of services in other *EEA States*. In such cases, the *firm* should consider with its advisers whether it should notify the relevant authorities and include that possibility in its business plan.

...

App 3.6.7 G In respect of banking services, the European Commission believes that "...to determine where the activity was carried on, the place of provision of what may be termed the 'characteristic performance' of the service i.e. the essential supply for which payment is due, must be determined" (Commission interpretative communication: Freedom to provide services and the interests of the general good in the Second Banking Directive (97/C 209/04)). In the ~~FSA's~~ view of the *FCA* and *PRA*, this requires consideration of where the service is carried out in practice.

App 3.6.8 G The ~~FSA~~ FCA and PRA are of the opinion that *UK firms* that are *credit institutions* and *MiFID investment firms* should apply the 'characteristic

PRA] performance' test (as referred to in SUP App 3.6.7G) when considering whether prior notification is required for services business. *Firms* should note that other *EEA States* may take a different view. Some *EEA States* may apply a solicitation test. This is a test as to whether it is the consumer or the provider that initiates the business relationship.

...

App 3.6.15 G The ~~FSA~~ FCA and PRA consider that, in order to comply with [FCA / PRA] *Principle 3: Management and control* (see *PRIN 2.1.1R*), a *firm* should have appropriate procedures to monitor the nature of the services provided to its *customers*. Where a *UK firm* has non-resident *customers* but has not notified the *EEA State* in which the *customers* are resident that it wishes to exercise its freedom to provide services, the ~~FSA~~ FCA and PRA would expect the *firm's* systems to include appropriate controls. Such controls would include procedures to prevent the supply of services covered by the *Single Market Directives* in the *EEA State* in which the *customers* are resident if a notification has not been made and it is proposed to provide services otherwise than by remote communication. In respect of *insurance business*, the *insurer's* records should identify the location of the risk at the time the policy is taken out or last renewed. That will, in most cases, remain the location of the risk thereafter, even if, for example, the *policyholder* changes his habitual residence after that time.

...

App 3.6.25 G (1) The ~~FSA~~ FCA and PRA are of the opinion that where a *UK firm* [FCA / PRA] becomes a member of:

- (a) a *regulated market* that has its registered office or, if it has no registered office, its head office, in another *EEA State*; or
- (b) an *MTF* operated by a *MiFID investment firm* or a *market operator* in another *EEA State*,

the same principles as in the 'characteristic performance' test should apply. Under this test, the fact that a *UK firm* has a screen displaying the *regulated market's* or the *MTF's* prices in its UK office does not mean that it is *dealing* within the territory of the *Home State* of the *regulated market* or of the *MTF*.

(2) In such a case, ~~we~~ the FCA and PRA would consider that:

- (a) the *market operator* operating the *regulated market* or the *MTF* is providing a *cross-border service* into the *UK* and so, provided it has given notice to its *Home State regulator* in accordance with articles 42(6) or 31(5) *MiFID*, it will be exempt from the *general prohibition* in respect of any *regulated activity* carried on as part of the business of the *regulated market* or of *operating an MTF* (see section 312A of the Act);

- (b) the *MiFID investment firm* operating the *MTF* is providing a *cross-border service* into the *UK* and so needs to comply with *SUP 13A*.

...

App 3.6.27 G *Firms* should note that, in circumstances where the ~~FSA~~ takes FCA or PRA [FCA / PRA] take the view that a notification would not be required, other *EEA States* may take a different view.

...

## TP 1 Transitional provisions

...

### TP 1.2

(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
...					
6A [FCA]	<i>SUP 9.4</i>	G	<u>Individual guidance</u>	From 19 July 2001	21 June 2001
			(1) If a <i>person</i> acts in accordance with individual written guidance: ...		
			then the <del>FSA</del> <u>FCA</u> will proceed on the footing that the <i>person</i> has complied with the aspects of any provision in or under the <i>Act</i> (including a <i>rule</i> or <i>guidance</i> in the <i>Handbook</i> ) to which the guidance relates if: ...		
			(2) <i>SUP 9.4.2G - SUP 9.4.4G</i> are relevant for individual guidance in (1) in the same way as for individual written <i>guidance</i> given by the <del>FSA</del> <u>FCA</u> .		
...					
8M [FCA]	<del><i>SUP 10.13.20AR</i></del> <u><i>SUP 10A.14.24R</i></u>	R	This rule applies to <i>complaints</i> upheld on or after 31 December 2012.	From 31/12/2012	31/12/2012

...					
12M [FCA/ PRA]	(1) <i>SUP 16.12.5R</i> [deleted]	R	<p>Firms in <i>Regulated Activity Group 1</i> are not required to submit the following data items:</p> <p>(i) for reporting dates falling prior to 30 June 2008:</p> <p>FSA001 FSA002 FSA008 FSA010 FSA012 FSA013 FSA016 FSA018 FSA045</p> <p>(ii) for reporting dates falling prior to 31 August 2008:</p> <p>FSA005 FSA006 FSA007 FSA014 FSA020 FSA021 FSA022 FSA023 FSA024 FSA025 FSA026</p> <p>and</p> <p>(iii) for reporting dates falling prior to 30 September 2008:</p> <p>FSA015 FSA044 FSA046</p>	1 January 2008 to 29 September 2008	1 January 2008
	(2) <i>SUP 16.12.5</i> [deleted]	R	<p><i>UK banks</i> in <i>Regulated Activity Group 1</i> should not submit FSA017 for reporting dates prior to 31 August 2008.</p>	1 January 2008 to 30 August 2008	1 January 2008
	(3) <i>SUP 16.12.5</i> [deleted]	R	<p>A <i>building society</i> in <i>Regulated Activity Group 1</i>:</p> <p>(i) should not submit FSA017 for reporting dates prior to 31 August 2008.</p> <p>(ii) should instead submit an 'Analysis of interest rate gap' quarterly, within 15 <i>business days</i> of the quarter end, except in the case of a building society on the "Administered" approach (see <i>IPRU(BSOC) 4 Ann 4A 4A.2</i>) which is not required to submit the 'Analysis of interest rate gap'. In the case of (ii), reports should be prepared as at the end of March, June, September and December of each year. The 'Analysis of interest rate gap' must be submitted in</p>	1 January 2008 to 30 August 2008	1 January 2008

			accordance with TP 12L (4).		
	(4) <i>SUP 16.12.5</i> [deleted]	R	In respect of the transitional reporting requirements in this transitional provision TP12L (3), the report should be submitted in accordance with <i>SUP 16.3.6 R</i> to <i>SUP 16.3.10R</i> .	1 January 2008 to 30 September 2008	1 January 2008
	(5) <i>SUP 16.12.11R</i> [deleted]	R	<i>Firms in Regulated Activity Group 3</i> , other than <i>exempt BIPRU commodity firms</i> , are not required to submit the following data items: (i) for reporting dates falling prior to 30 June 2008: FSA001 FSA002 FSA008 FSA016 FSA018 FSA019 FSA045 (ii) for reporting dates falling prior to 31 August 2008: FSA005 FSA006 FSA007 FSA039 FSA040 and (iii) for reporting dates falling prior to 30 September 2008: FSA046	1 January 2008 to 29 September 2008	1 January 2008
	(6) <i>SUP 16.12.15R</i> [deleted]	R	<i>Firms in Regulated Activity Group 4</i> are not required to submit the following data items:(i) for reporting dates falling prior to 30 June 2008: FSA001 FSA002 FSA008 FSA016 FSA018 FSA019 FSA045 (ii) for reporting dates falling prior to 31 August 2008: FSA005 FSA006 FSA007 FSA038 FSA039 FSA040 FSA041 FSA042 and (iii) for reporting dates falling prior to 30 September 2008: FSA046	1 January 2008 to 29 September 2008	1 January 2008
	(7)	R	<i>Firms in Regulated Activity Group 7</i>	1 January 2008	1 January 2008

	<u>SUP 16.12.22R</u> [deleted]		are not required to submit the following data items:(i) for reporting dates falling prior to 30 June 2008: FSA001 FSA002 FSA008 FSA016 FSA018 FSA019 FSA045 (ii) for reporting dates falling prior to 31 August 2008: FSA005 FSA006 FSA007 and (iii) for reporting dates falling prior to 30 September 2008: FSA046	to 29 September 2008	
	(8) <u>SUP 16.12.25R</u> [deleted]	R	<i>Firms in Regulated Activity Group 8</i> are not required to submit the following data items: (i) for reporting dates falling prior to 30 June 2008: FSA001 FSA002 FSA008 FSA016 FSA018 FSA019 FSA045 (ii) for reporting dates falling prior to 31 August 2008: FSA005 FSA006 FSA007 FSA039 FSA040 and (iii) for reporting dates falling prior to 30 September 2008: FSA046	1 January 2008 to 29 September 2008	1 January 2008
	(9) <u>SUP 16.12.11R</u> [deleted]	R	<i>Exempt BIPRU commodity firms</i> are not required to submit the following data items for reporting dates: (i) falling prior to 30 June 2008: FSA008 (ii) falling prior to 31 August 2008: FSA001 FSA002 FSA016 FSA018 FSA028 FSA033 FSA038 FSA039 FSA040 FSA041	1 January 2008 to 30 August 2008	1 January 2008

			FSA042		
	(10) <i>SUP 16.12.11</i> [deleted]	R	<i>Exempt BIPRU commodity firms</i> are not required to submit the following data items for reporting dates falling prior to 1 January 2011: FSA003 FSA004 FSA005 FSA006 FSA007 FSA019	1 January 2008 to 31 December 2010	1 January 2008
	(11) <i>SUP 16.12.5R</i> [deleted]	R	(1) A <i>UK bank</i> must submit the following reports for reporting dates falling between 1 January 2008 and 29 June 2008 in accordance with the rules set out in <i>SUP 16.7.8R</i> : BSD3 (unconsolidated, solo consolidated); BSD3 (consolidated); LE3 (unconsolidated, solo consolidated); LE3 (consolidated); M1 (unconsolidated, solo consolidated); and M1 (consolidated). Consolidated reports are only required from <i>UK consolidation groups</i> . (2) In addition, a <i>UK bank</i> subject to IPRU(BANK) Chapter LS must submit the SLR1 for reporting dates between 1 January 2008 and 31 May 2008 in accordance with the rules set out in <i>SUP 16.7.8R</i> . (3) Also, a <i>UK bank</i> subject to IPRU(BANK) Chapter LM must submit the LR for reporting dates between 1 January 2008 and 31 March 2008 in accordance with the rules set out in <i>SUP 16.7.8R</i> .	1 January 2008 to 29 June 2008	1 January 2008
	(12) <i>SUP 16.7.9R</i> , <i>SUP 16.7.10R</i> [deleted]	R	An <i>EEA Bank</i> , other than one with <i>permission for cross-border services</i> only, must submit the LR for reporting dates between 1 January 2008 and 31 March 2008 in accordance with the rules set out in <i>SUP 16.7.10R</i> .	1 January 2008 to 31 March 2008	1 January 2008
	(13) <i>SUP 16.7.11R</i> , <i>SUP 16.7.12R</i> [deleted]	R	A <i>bank</i> established outside the <i>EEA</i> must submit: (a) the LR for reporting dates between 1 January 2008 and 31 March 2008; and (b) the B7 for reporting dates between 1 January 2008 and 29 June 2008 in accordance with the rules set out	1 January 2008 to 29 June 2008	1 January 2008



			in SUP 16.7.12R.		
	(14) SUP 16.7.16R, SUP 16.7.17R [deleted]	R	A <i>building society</i> must submit: (a) the QFS1 and AFS1 for reporting dates between 1 January 2008 and 29 June 2008; and (b) the interest rate gap report for reporting dates between 1 January 2008 and 30 August 2008 in accordance with the rules set out in SUP 16.7.17R.	1 January 2008 to 30 August 2008	1 January 2008
	(15) SUP 16.7.24R, SUP 16.7.25R [deleted]	R	A <i>securities and futures firm</i> which is a category A or B firm or a broad scope firm, and is a <i>BIPRU investment firm</i> , must submit the large exposures quarterly reporting statement (Form LEM 1 or LEM 2) (consolidated and unconsolidated) and monthly reporting statement for reporting dates between 1 January 2008 and 29 June 2008 in accordance with the rules set out in SUP 16.7.25R, except that the monthly reporting statement should be submitted quarterly.	1 January 2008 to 29 June 2008	1 January 2008
	(16) SUP 16.7.26R, SUP 16.7.27R [deleted]	R	A <i>securities and futures firm</i> which is a category C or D firm or an arranger or venture capital firm, and is a <i>BIPRU investment firm</i> , must submit the large exposures quarterly reporting statement (Form LEM 1 or LEM 2) (consolidated and unconsolidated) and quarterly reporting statement for reporting dates between 1 January 2008 and 29 June 2008 in accordance with the rules set out in SUP 16.7.27R, except that <i>BIPRU 50K firms</i> should submit the quarterly reporting statement half yearly.	1 January 2008 to 29 June 2008	1 January 2008
	(17) SUP 16.7.35R, SUP 16.7.36R [deleted]	R	An <i>investment management firm</i> which is a <i>BIPRU investment firm</i> must submit either a quarterly financial return or a monthly financial return (depending on whether the firm is subject to a Liquid Capital Requirement or is an ISD firm subject to the Own Funds Requirement of Euro 730,000) for reporting dates between 1 January 2008 and 29 June 2008 in accordance with the rules set out in SUP 16.7.36R, except that <i>BIPRU 50K firms</i> should submit the quarterly financial return half yearly, and <i>BIPRU 730K firms</i> should submit the monthly financial	1 January 2008 to 29 June 2008	1 January 2008

			return on a quarterly basis.		
	(18) [deleted]				
	(19) SUP 16.7.67R, SUP 16.7.68R [deleted]	R	A <i>UCITS firm</i> must submit the Quarterly Financial Return for reporting dates between 1 January 2008 and 29 June 2008 in accordance with the rules set out in SUP 16.7.68R.	1 January 2008 to 29 June 2008	1 January 2008
	(20) SUP 16.7.76R, SUP 16.7.77R [deleted]	R	A firm that was not subject to other reporting requirements in SUP 16.7 (other than in SUP 16.7.76R and SUP 16.7.77R) at 31 December 2007, and is a <i>BIPRU firm</i> , must submit sections A, B, C and E of the <i>RMAR</i> and sections A and B of the <i>MLAR</i> for reporting dates between 1 January 2008 and 29 June 2008 in accordance with the rules set out in SUP 16.7.77R, except that the frequency for these sections of the <i>RMAR</i> and <i>MLAR</i> is amended as follows: (a) for <i>BIPRU 730K firms</i> and <i>BIPRU 125K firms</i> , quarterly; and (b) for <i>BIPRU 50K firms</i> , half-yearly.	1 January 2008 to 29 June 2008	1 January 2008
	(20A) SUP 16.12.22AR	R	(1) Where a <i>firm</i> is required under SUP 16.12.22AR to submit information on <i>adviser charges</i> in Section K of the <i>RMAR</i> or <i>consultancy charges</i> in Section L of the <i>RMAR</i> the <i>firm</i> is not required to report information collected prior to 31 December 2012. (2) The first reporting period for Section K or Section L of the <i>RMAR</i> begins on the first day of the <i>firm's</i> first full reporting period (as specified in SUP 16.12) after 31 December 2012.	31/12/2012 to 30/06/2013	31/12/2012
	(21) SUP 16.12.23R [deleted]	R	<i>Firms</i> in <i>RAGs</i> 3, 4, 6, 7 and 8 that are required to complete Section J of the <i>RMAR</i> , with an <i>accounting reference date</i> falling between 1 July 2007 and 31 August 2007 inclusive, must additionally report on section J of the <i>RMAR</i> at their half year (i.e. for reporting dates falling between 1 January 2008 and 29 February 2008 inclusive), to be submitted within 30 <i>business days</i> of the half year date.	1 January 2008 to 29 February 2008	1 January 2008
...					

...

**Schedule 1 Record keeping requirements**

...

Sch 1.2 G

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
...				
SUP 16.8.23R [FCA]	Persistency reports and data reports	Records to enable the <i>firm</i> to monitor regularly the persistency of <i>life policies</i> and stakeholder pensions effected through each of its <i>representatives</i> and make the required reports to the <del>FS</del> <i>FCA</i> .	Not specified	Not specified

...

**Schedule 5 Rights of actions for damages**

Sch 5.1 G [FCA]	1	The table below sets out the <i>rules</i> in SUP contravention of which by an <i>authorised person</i> may be actionable under section <del>150</del> <u>138D</u> of the <i>Act</i> (Actions for damages) by a <i>person</i> who suffers loss as a result of the contravention.
	2	If a "Yes" appears in the column headed "For private person?", the <i>rule</i> may be actionable by a " <i>private person</i> " under section <del>150</del> <u>138D</u> (or, in certain circumstances, his fiduciary or representative). A "Yes" in the column headed "Removed" indicates that the <del>FS</del> <i>FCA</i> has removed the right of action under section <del>150(2)</del> <u>138D(3)</u> of the <i>Act</i> . If so, a reference to the <i>rule</i> in which it is removed is also given.
	3	The column headed "For other person?" indicates whether the rule is actionable by a <i>person</i> other than a <i>private person</i> (or his fiduciary or representative). If so, an indication of the type of <i>person</i> by whom the <i>rule</i> is actionable is given.

Sch 5.2 G [FCA]

Chapter/ Appendix	Section/Annex	Paragraph	Right of action under section <del>150</del> <u>138D</u>		
			For private person?	Removed?	For other person?
All <i>rules</i> in SUP with the status letter "E"			No	No	No

3	8	All <i>rules</i> in the section	No	No	No
3	9	All <i>rules</i> in the section	No	No	No
3	10	All <i>rules</i> in the section	No	No	No
4	3	13	No	No	No
4	3	20	No	No	No
4	4	7	No	No	No
4	4	9	No	No	No
4	5	All <i>rules</i> in the section	No	No	No
10A	All <i>rules</i> in sections SUP 10A.1 to SUP 10A.10		No	No	No
All other <i>rules</i> in SUP			Yes	No	No

**Schedule 5A Rights of actions for damages**

Sch 5A.1 [PRA] G The table below sets out the *rules* in SUP contravention of which by an *authorised person* may be actionable under section 138D of the Act (Actions for damages) by a *person* who suffers loss as a result of the contravention.

<u>Chapter/Appendix</u>	<u>Section/Annex</u>	<u>Paragraph</u>
Sch 5A.2 [PRA] G 10B	<u>All rules in sections SUP 10B.1 to SUP 10B.9</u>	

**Schedule 6 Rules that can be waived**

Sch 6.1 G As a result of regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973) the FSA has power to waive all its *rules*, other than *rules* made under section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the Act. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the FSA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives. [deleted]

Sch 6.1A [FCA] G As a result of section 138A of the Act (Modification or waiver of rules) the FCA has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the Act. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the FCA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives.

Sch 6.1B    G    As a result of section 138A of the Act (Modification or waiver of rules) the  
[PRA]        PRA has power to waive all its *rules*, other than *rules* made under section  
137O (Threshold condition code). However, if the *rules* incorporate  
requirements laid down in European directives, it will not be possible for the  
PRA to grant a waiver that would be incompatible with the *United*  
*Kingdom's* responsibilities under those directives.

**Annex D**

**Amendments to the Conduct of Business sourcebook (COBS)**

In this Annex, underlining indicates new text and striking through indicates deleted text.

**TP 2 Other Transitional Provisions**

(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
...					
2.2C	...				
<u>2.2D</u>	<u>COBS 6.3</u>	<u>R</u>	<u>A firm may use a combined initial disclosure document prepared in accordance with the rules in COBS 6.3 and COBS 6 Annex 2R as they were in force as at 31 March 2013</u>	<u>From 1 April 2013 to 31 March 2014</u>	<u>1 April 2013</u>
<u>2.2E</u>	<u>COBS 6.3.7G</u>	<u>R</u>	<u>A firm may use an initial disclosure document prepared in accordance with the rules in COBS 6.3.7G and COBS 6 Annex 1G as they were in force as at 31 March 2013</u>	<u>From 1 April 2013 to 31 March 2014</u>	<u>1 April 2013</u>
...					

**Annex E**

**Amendments to the Insurance: Conduct of Business sourcebook (ICOBS)**

In this Annex, underlining indicates new text.

**TP 1 Transitional Provisions**

...

**TP 2 Other Transitional Provisions**

<u>(1)</u>	<u>(2) Material to which the transitional provision applies</u>	<u>(3)</u>	<u>(4) Transitional provision</u>	<u>(5) Transitional provision: dates in force</u>	<u>(6) Handbook provision: coming into force</u>
<u>1</u>	<u>ICOBS 4.5.1R</u>	<u>R</u>	<u>A firm may use an initial disclosure document prepared in accordance with the rules in ICOBS 4.5.1R and ICOBS 4 Annex 1G as they were in force as at 31 March 2013</u>	<u>From 1 April 2013 to 31 March 2014</u>	<u>1 April 2013</u>
<u>2</u>	<u>ICOBS 4.5</u>	<u>R</u>	<u>A firm may use a combined initial disclosure document prepared in accordance with the rules in ICOBS 4.5 and COBS 6 Annex 2G as they were in force as at 31 March 2013</u>	<u>From 1 April 2013 to 31 March 2014</u>	<u>1 April 2013</u>

**Annex F**

**Amendments to the Mortgages and Home Finance: Conduct of Business sourcebook**

After MCOB TP 1.1(16) insert new Transitional Provisions TP 1.1(17) and (18). The text is not underlined.

**TP 1.1 Transitional Provisions**

**TP 1.1**

(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
...					
17	<i>MCOB 4.4.1R, MCOB 4.10.2R</i>	R	<i>A firm may use an initial disclosure document prepared in accordance with the rules in MCOB 4.4.1R, MCOB 4.10.2R, MCOB 4 Annex 1R and COBS 6 Annex 2G as they were in force as at 31 March 2013</i>	From 1 April 2013 to 26 April 2014	1 April 2013
18	<i>MCOB 4.4.1R, MCOB 4.10.2R</i>	R	<i>A firm may use a combined initial disclosure document prepared in accordance with the rules in MCOB 4.4.1R, MCOB 4.10.2R and COBS 6 Annex 2G as they were in force as at 31 March 2013</i>	From 1 April 2013 to 26 April 2014	1 April 2013



## Annex G

### Designation of the General Provisions sourcebook (GEN)

In addition to identifying provisions Designated or Made by this Instrument, Column 2 also identifies, for convenience and without operative effect, those provisions of the Handbook that will no longer have effect after “legal cutover”.

(1)	(2)	(3)
<b>Handbook Provision</b>	<b>Made, designated or no longer in force after legal cutover</b>	<b>Relevant regulator</b>
GEN 4.1.1 R	Designated	FCA/PRA
GEN 4.1.2 R	Designated	FCA/PRA
GEN 4.1.3 R	Designated	FCA/PRA
GEN 4.1.4 R	Designated	FCA/PRA
GEN 4.2.1 G	Designated	FCA/PRA
GEN 4.2.1A G	Designated	FCA/PRA
GEN 4.2.1B G	Made	FCA
GEN 4.2.1C G	Made	PRA
GEN 4.2.2 G	Designated	FCA
GEN 4.3.1 R	Designated	FCA/PRA
GEN 4.3.1A G	Designated	FCA/PRA
GEN 4.3.1B G	Made	FCA
GEN 4.3.2 G	Not in force after legal cutover	
GEN 4.3.2A G	Designated	FCA
GEN 4.3.2B G	Designated	FCA/PRA
GEN 4.3.3 G	Designated	FCA/PRA
GEN 4.3.4 R	Designated	FCA/PRA

GEN 4.3.5 R	Designated	FCA
GEN 4.3.6 R	Designated	FCA
GEN 4.4.1 R	Designated	FCA/PRA
GEN 4.4.2 G	Not in force after legal cutover	
GEN 4.5.1 R	Designated	FCA/PRA
GEN 4.5.2 G	Designated	FCA/PRA
GEN 4.5.2A G	Made	FCA
GEN 4.5.3 R	Designated	FCA
GEN 4.5.3A R	Made	FCA/PRA
GEN 4.5.4 R	Designated	FCA
GEN 4.5.4A R	Made	FCA/PRA
GEN 4.5.5 G	Designated	FCA/PRA
GEN 4.5.6 G	Designated	FCA/PRA
GEN 4.5.6A G	Made	FCA
GEN 4 Annex 1 R	Designated	FCA
GEN 4 Annex 1A R	Made	FCA/PRA
GEN 5.1.1 G	Designated	FCA
GEN 5.1.2 G	Designated	FCA
GEN 5.1.3 G	Designated	FCA
GEN 5.1.3A G	Made	FCA
GEN 5.1.4 G	Designated	FCA
GEN 5.1.5 R	Designated	FCA
GEN 5.1.6 R	Designated	FCA
GEN 5.1.7 R	Designated	FCA
GEN 5.1.8 R	Designated	FCA

GEN 5.1.9 G	Made	FCA
GEN 5.1.10 R	Made	FCA
GEN 5 Annex 1 G	Designated	FCA
GEN 6.1.1 R	Designated	FCA/PRA
GEN 6.1.2 G	Designated	FCA/PRA
GEN 6.1.3 G	Designated	FCA/PRA
GEN 6.1.4 R	Designated	FCA/PRA
GEN 6.1.4A R	Designated	FCA/PRA
GEN 6.1.5 R	Designated	FCA/PRA
GEN 6.1.6 R	Designated	FCA/PRA
GEN 6.1.7 G	Designated	FCA/PRA
GEN TP 1.1	Not in force after legal cutover	
GEN TP 1.2	Not in force after legal cutover	
GEN TP 1.3	Designated	FCA/PRA
GEN TP 2.1	Made	FCA/PRA
GEN TP 2.2	Made	FCA/PRA
GEN Sch 1 G	Designated	FCA/PRA
GEN Sch 2 G	Designated	FCA/PRA
GEN Sch 3 G	Designated	FCA/PRA
GEN Sch 4 G	Not in force after legal cutover	
GEN Sch 5 G	Designated	FCA
GEN Sch 6.1 G	Not in force after legal cutover	
GEN Sch 6.1A G	Made	FCA
GEN Sch 6.1B G	Made	PRA

GEN Sch 6.2 G	Made	FCA/PRA
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**Annex H**

**Designation of the Supervision manual (SUP)**

In addition to identifying provisions Designated or Made by this Instrument, Column 2 also identifies, for convenience and without operative effect, those provisions of the Handbook that will no longer have effect after “legal cutover”.

(1)	(2)	(3)
<b>Handbook Provision</b>	<b>Made, designated or no longer in force after legal cutover</b>	<b>Relevant regulator</b>
SUP App 3.1.1 G	Designated	FCA/PRA
SUP App 3.2.1 G	Designated	FCA/PRA
SUP App 3.3.1 G	Designated	FCA/PRA
SUP App 3.3.2 G	Designated	FCA/PRA
SUP App 3.3.3 G	Designated	FCA/PRA
SUP App 3.3.4 G	Designated	FCA/PRA
SUP App 3.3.5 G	Designated	FCA/PRA
SUP App 3.3.6 G	Designated	FCA/PRA
SUP App 3.3.7 G	Designated	FCA/PRA
SUP App 3.3.8 G	Designated	FCA/PRA
SUP App 3.3.9 G	Designated	FCA/PRA
SUP App 3.3.10 G	Designated	FCA/PRA
SUP App 3.3.11 G	Designated	FCA/PRA
SUP App 3.3.12 G	Not in force after legal cutover	
SUP App 3.3.13 G	Designated	FCA/PRA
SUP App 3.3.14 G	Designated	FCA/PRA
SUP App 3.6.1 G	Designated	FCA/PRA

SUP App 3.6.2 G	Designated	FCA/PRA
SUP App 3.6.3 G	Designated	FCA/PRA
SUP App 3.6.4 G	Not in force after legal cutover	
SUP App 3.6.5 G	Designated	FCA/PRA
SUP App 3.6.6 G	Designated	FCA/PRA
SUP App 3.6.7 G	Designated	FCA/PRA
SUP App 3.6.8 G	Designated	FCA/PRA
SUP App 3.6.9 G	Designated	FCA/PRA
SUP App 3.6.10 G	Designated	FCA/PRA
SUP App 3.6.11 G	Designated	FCA/PRA
SUP App 3.6.12 G	Not in force after legal cutover	
SUP App 3.6.13 G	Not in force after legal cutover	
SUP App 3.6.14 G	Not in force after legal cutover	
SUP App 3.6.15 G	Designated	FCA/PRA
SUP App 3.6.16 G	Not in force after legal cutover	
SUP App 3.6.17 G	Not in force after legal cutover	
SUP App 3.6.18 G	Not in force after legal cutover	
SUP App 3.6.19 G	Not in force after legal cutover	
SUP App 3.6.20 G	Not in force after legal cutover	
SUP App 3.6.21 G	Not in force after legal cutover	
SUP App 3.6.22 G	Not in force after legal	

	cutover	
SUP App 3.6.23 G	Not in force after legal cutover	
SUP App 3.6.24 G	Not in force after legal cutover	
SUP App 3.6.25 G	Designated	FCA/PRA
SUP App 3.6.26 G	Designated	FCA/PRA
SUP App 3.6.27 G	Designated	FCA/PRA
SUP App 3.6.28 G	Not in force after legal cutover	
SUP App 3.6.29 G	Not in force after legal cutover	
SUP App 3.6.30 G	Not in force after legal cutover	
SUP App 3.6.31 G	Not in force after legal cutover	
SUP App 3.9.1 G	Designated	FCA/PRA
SUP App 3.9.2 G	Designated	FCA/PRA
SUP App 3.9.3 G	Designated	FCA/PRA
SUP App 3.9.4 G	Designated	FCA/PRA
SUP App 3.9.5 G	Designated	FCA/PRA
SUP App 3.9.6 G	Designated	FCA
SUP App 3.9.7 G	Designated	FCA/PRA
SUP App 3.10.1 G	Designated	FCA/PRA
SUP App 3.10.2 G	Designated	FCA/PRA
SUP App 3.10.3 G	Designated	FCA/PRA
SUP App 3.10.4 G	Designated	FCA/PRA
SUP App 3.10.5 G	Designated	FCA/PRA
SUP App 3.10.6 G	Designated	FCA/PRA

SUP App 3.10.7 G	Designated	FCA/PRA
SUP App 3.10.8 G	Designated	FCA/PRA
SUP App 3.10.9 G	Designated	FCA/PRA
SUP App 3.10.10 G	Designated	FCA/PRA
SUP App 3.10.11 G	Designated	FCA/PRA
SUP App 3.10.12 G	Designated	FCA/PRA
SUP App 3.10.13 G	Designated	PRA
SUP TP 1.1	Designated	FCA/PRA
SUP TP 1.2	Designated	FCA/PRA
SUP TP 1.3	Not in force after legal cutover	
SUP TP 1.4	Not in force after legal cutover	
SUP TP 1.5	Not in force after legal cutover	
SUP TP 1.6	Not in force after legal cutover	
SUP TP 1.7	Designated	FCA
SUP Sch 1.1	Designated	FCA/PRA
SUP Sch 1.2	Designated	FCA/PRA
SUP Sch 2.1	Not in force after legal cutover	
SUP Sch 2.2	Not in force after legal cutover	
SUP Sch 3	Not in force after legal cutover	
SUP Sch 4	Not in force after legal cutover	
SUP Sch 5.1	Designated	FCA
SUP Sch 5.2	Designated	FCA



SUP Sch 5A.1	Made	PRA
SUP Sch 5A.2	Made	PRA
SUP Sch 6.1	Not in force after legal cutover	
SUP Sch 6.1A	Made	FCA
SUP Sch 6.1B	Made	PRA

**SCHEDULE A**

**Part 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 59 (Approval for particular arrangements)	Section 59	Section 59
Section 72 (The competent authority)	Part VI	None
Section 73A (Part 6 Rules)	Section 73A	None
Section 74 (The official list)	Section 74	None
Section 75 (Applications for listing)	Section 75	None
Section 77 (Discontinuance and suspension of listing)	Section 77	None
Section 79 (Listing particulars and other documents)	Section 79	None
Section 80 (General duty of disclosure in listing particulars)	Section 80	None
Section 81 (Supplementary listing particulars)	Section 81	None
Section 84 (Matters which may be dealt with by prospectus rules)	Section 84	None
Section 85 (Prohibition of dealing etc in transferable securities without approved prospectus)	Section 85	None
Section 87 (Election to have prospectus)	Section 87	None
Section 87A (Criteria for approval of prospectus by	Section 87A	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
competent authority)		
Section 87B (Exemptions from disclosure)	Section 87B	None
Section 87G (Supplementary prospectus)	Section 87G	None
Section 88 (Sponsors)	Section 88	None
Section 89 (Public censure of sponsor)	Sections 88A-88F	None
Section 89A (Transparency rules)	Section 89A	None
Section 89B (Provision of voteholder information)	Section 89B	None
Section 89C (Provision of information by issuers of transferable securities)	Section 89C	None
Section 89D (Notification of voting rights held by issuer)	Section 89D	None
Section 89E (Notification of proposed amendment of issuer's constitution)	Section 89E	None
Section 89F (Transparency rules: interpretation etc)	Section 89F	None
Section 89G (Transparency rules: other supplementary provisions)	Section 89G	None
Section 89O (Corporate governance rules)	Section 89O	None
Section 96 (Obligations of issuers of listed securities)	Section 96	None
Section 96A (Disclosure of information requirements)	Section 96A	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 96C (Suspension of trading)	Section 96C	None
Section 99 (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Section 99(1) and (2) (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31
Section 100 (Penalties)	Sections 312J and 312K, and schedule 1ZA, Part 2.	None
Section 101 (Part 6 rules: general provisions)	Sections 101 and 137T.	None.
Section 118(8) (Market abuse)	Section 118(8)	None
Section 136(2) (Funding of the legal assistance scheme)	Section 136(2)	None
Section 138 (General rule-making power)	Section 137A	Section 137G
Section 138(1) (General rule-making power)	Section 137A(1)	Section 137G(1)
Section 139 (Miscellaneous ancillary matters)	Section 137B	None
Section 139(4) (Miscellaneous ancillary matters)	Section 137B(3)	None
Section 139A (General rules about remuneration)	Sections 137H and 137I	Sections 137H and 137I
Section 140 (Restrictions on managers of certain collective investment schemes)	Section 137A(1)	Section 137G(1)
Section 141 (Insurance business rules)	Section 137A(1)	Section 137G(1)
Section 142(2) (Insurance	Section 137A(1)	Section 137G(1)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
business: regulations supplementing Authority's rules)		
Section 144 (Price stabilising rules)	Section 137Q	None
Section 145 (Financial promotion rules)	Section 137R	None
Section 146 (Money laundering rules)	Section 137A(1)	None
Section 147 (Control of information rules)	Section 137P	Section 137P
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 149 (Evidential provisions)	Section 138C	Section 138C
Section 150(2) (Actions for damages)	Section 138D(3)	Section 138D(1)
Section 156 (General supplementary powers)	Section 137T	Section 137T
Section 213 (The compensation scheme) (including as referred to in section 216(5) (Continuity of long-term insurance policies) and section 217(7) (Insurers in financial difficulties)	Section 213	Section 213
Section 214 (General)	Section 214	Section 214
Section 215 (Rights of the scheme in relevant person's insolvency)	Section 215	Section 215
Section 216 (Continuity of long-term insurance policies)	Section 216	Section 216

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 217 (Insurers in financial difficulties)	Section 217	Section 217
Section 218(2)(b) (Annual report)	Section 218(2)(b)	Section 218(2)(b)
Section 223 (Management expenses)	Section 223	Section 223
Section 223C (Payments in error)	Section 223C	Section 223C
Section 224F (Rules about relevant schemes)	Section 224F	Section 224F
Section 226 (Compulsory jurisdiction) (including as applied by regulation 125 of the Payment Services Regulations 2009 (SI 2009/209))	Section 226	None
Section 226A(7) (Consumer credit jurisdiction)	Section 226A(7)	None
Section 229 (Awards)	Section 229	None
Section 234 (Industry funding)	Section 234	None
Section 238(5) (Restrictions on promotion)	Section 238(5)	None
Section 239 (Single property schemes)	Section 239	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 247 (Trust scheme rules)	Section 247	None
Section 248 (Scheme particulars rules)	Section 248	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 278 (Rules as to scheme particulars)	Section 278	None
Section 283(1) (Facilities and information in UK)	Section 283(1)	None
Section 293 (Notification requirements)	Section 293	Section 293
Section 293(1) (Notification requirements)	Section 293(1)	Section 293(1)
Section 295 (Notification: overseas investment exchanges and overseas clearing houses)	Section 295	Section 295
Section 300B (Duty to notify proposal to make regulatory provision)	Section 300B	Section 300B
Section 322 (Rules applicable to former underwriting members)	None	Section 322
Section 332(1) (Rules in relation to persons to whom the general prohibition does not apply)	Section 332(1)	None
Section 340 (Appointment)	Section 340	Section 340
Paragraph 17 (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Paragraph 17(1) (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23(1).	Schedule 1ZB, Paragraph 31(1).
Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial	Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial	None

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Education Body)	Education Body)	
Paragraph 12(1) (Funding of the relevant costs by authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	Paragraph 12(1) (Funding of the relevant costs by authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	None
Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)
Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI	None
Paragraphs 1 (General), 4 (Rules), and 7 (Fees) of Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI and Schedule 1ZA Paragraph 23	None
Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	None
Paragraph 13(4) (Authority's procedural rules) of Schedule 17 (The Ombudsman Scheme) to the Act	Paragraph 13(4) of Schedule 17	None



**SCHEDULE A**

**Part 2**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 6(1) (FSA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulation 6(1) (FCA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	None
Article 4(1) (Designation of pre-commencement provisions) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 137A(1)	Section 137G(1)
Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	None
The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)	None	The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)
Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).
Articles 9 (Designation of existing provisions to take effect as rules) and 10 (Modifications of existing provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Section 137A(1)	Section 137G(1)
Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	None
Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and	Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and	None.

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)	Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706).	
Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454)	Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454).	None
Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)
Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services Regulations 2009 (SI 2009/209)	Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services Regulations 2009 (SI 2009/209).	None
Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009	Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
(SI 2009/209)	(SI 2009/209).	
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	None
Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	None
Articles 3 (Further power for Authority to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259)	None	Article 3 (Further power for PRA to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259).
Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations	Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
2008 (SI 2008/346)	legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	

**SCHEDULE A**

**Part 3**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued codes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(2) (Conduct: statements and codes)	Section 64(2)	Section 64(2)
Section 119 (The code)	Section 119	None
Section 120 (Provisions included in the Authority's code by reference to the City Code)	Section 120	None
Section 121 (Codes: procedure)	Section 121	None

**SCHEDULE A**

**Part 4**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 63C(1) (Statement of policy)	Section 63C(1)	Section 63C(1)
Section 64 (Conduct: statements and codes)	Section 64	Section 64
Section 64(1) (Conduct: statements and codes)	Section 64(1)	Section 64(1A)
Section 69 (Statement of policy) (including as applied by paragraph 1 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 1 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 69	Section 69
Section 69(1) (Statement of policy)	Section 69(1)	Section 69(1)
Section 93 (Statement of policy)	Section 93	None
Section 93(1) (Statement of policy)	Section 93(1)	None
Section 124 (Statement of policy)	Section 124	None
Section 124(1) (Statement of policy)	Section 124(1)	None
Section 131J(1) (Statement of policy)	Section 131J(1)	None
Section 165B(6) (Safeguards etc in relation to exercise of power under section 165A)	None	Section 165B(6)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 169(9) (Investigations etc in support of overseas regulator) (including as applied by paragraph 3 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 3 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 169(9)	Section 169(9)
Section 210 (Statements of policy) (including as applied by regulation 86(6) of the Payment Services Regulations 2009 (SI 2009/209) and regulation 53 (6) of the Electronic Money Regulations 2011 (SI 2011/99).)	Section 210	Section 210
Section 210(1) (Statements of policy)	Section 210(1)	Section 210(1)
Section 395 (The Authority's procedures) (including as applied by paragraph 7 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 8 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 395	Section 395
Section 395(5) (The Authority's procedures)	Section 395(5)	Section 395(5)
Section 404(3) (Consumer redress schemes)	Section 404(3)	None
Section 404A (Rules under s404: supplementary)	Section 404A	None



**SCHEDULE A**

**Part 5**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

**SCHEDULE A**

**Part 6**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 51 (Applications under this Part)	Section 55U	Section 55U
Section 60 (Applications for approval)	Section 60	Section 60
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 182 (Notification)	Section 179	None
Section 218A (Authority's power to require information)	Section 218A	Section 218A
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 250 (Modification or waiver of rules)	Section 250	None
Sections 250(4) and (5) (Modification or waiver of rules)	Sections 250(4) and (5)	None
Section 270(6)(b) (Schemes authorised in designated countries or territories)	Section 270(6)(b)	None
Section 274 (Applications for recognition of individual schemes)	Section 274	None
Section 287 (Application by an investment exchange)	Section 287	None
Section 294 (Modification or waiver of rules)	Section 294	Section 294
Section 294(2) (Modification	Section 294(2)	Section 294(2)

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
or waiver of rules)		
Section 316 (Direction by Authority)	Section 316	Section 316
Section 317 (The core provisions)	Section 317	Section 317
Section 318 (Exercise of powers through Council)	Section 318	Section 318
Paragraph 5(4) (Notice to Authority) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)

**SCHEDULE A**

**Part 7**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority directed, required or specified</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	<b>None</b>
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	<b>None</b>

**SCHEDULE A**

**Part 8**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made complaints schemes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 7 (Arrangements for the investigation of complaints) of Schedule 1 (The Financial Services Authority)	Part 6 of the Financial Services Act 2012	Part 6 of the Financial Services Act 2012

**SCHEDULE A**

**Part 9**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 157 (Guidance)	Section 139A	None
Section 157(1) (Guidance)	Section 139A(1)	None
Section 158A (Guidance on outsourcing by investment firms and credit institutions)	None	None

**SCHEDULE A**

**Part 10**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Article 11(1) (Guidance) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 139A(1)	None
Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	None
Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	None
Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	None
Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 14 (Guidance) of the Cross-Border Payments in Euro Regulations 2010 (SI 2010/89)	Regulation 15 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 (SI 2012/3122)	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None