

**CONSUMER CREDIT (STATUTORY NOTICES) INSTRUMENT 2014**

**Powers exercised by the Financial Conduct Authority**

- A. The Financial Conduct Authority makes this instrument in the exercise of the following powers and related provisions of the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 139A (Power of the FCA to give guidance);
  - (2) section 395 (The Authority’s procedures); and
  - (3) the other rule and guidance making powers listed in Schedule 4 (Powers exercised) to the General Provisions of the FCA’s Handbook.
- B. The rule-making powers listed above are specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

**Commencement**

- C. This instrument comes into force on 1 April 2014.

**Amendments to the Handbook**

- D. The Decision Procedure and Penalties manual (DEPP) is amended in accordance with Annex A to this instrument.

**Material outside the Handbook**

- E. The Enforcement Guide (EG) is amended in accordance with Annex B to this instrument.

**Citation**

- F. This instrument may be cited as Consumer Credit (Statutory Notices) Instrument 2014.

By order of the Board of the Financial Conduct Authority  
27 March 2014

## Annex A

## Amendments to the Decision Procedure and Penalties manual (DEPP)

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

**2 Annex**    **Warning notices and decision notices under the Act and certain other**  
**1 G**            **enactments**

Note: Third party rights and access to *FCA* material apply to the powers listed in this Annex where indicated by an asterisk \* (see *DEPP* 2.4)

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<b>Payment Services Regulations</b>	<b>Description</b>	<b>Handbook reference</b>	<b>Decision maker</b>
...			
Regulation 121(8)	...	...	...
<u>Schedule 4A paragraph 5(6)</u>	<u>when the <i>FCA</i> is proposing to refuse an application to vary the period, event or condition of a prohibition, or to remove a prohibition, or to vary or remove a restriction</u>		<u><i>Executive procedures</i></u>
<u>Schedule 4A paragraph 5(7)</u>	<u>when the <i>FCA</i> is deciding to refuse an application to vary the period, event or condition of a prohibition, or to remove a prohibition, or to vary or remove a restriction</u>		<u><i>Executive procedures, where no representations are made in response to a warning notice, otherwise by the RDC</i></u>
Schedule 5 paragraph 1	...	...	...
Notes: (1) ...			

...

Electronic Money Regulations	Description	Handbook reference	Decision maker
...			
Regulation 74(8)(a)	...	...	...
<u>Schedule 2A paragraph 5(6)</u>	<u>when the FCA is proposing to refuse an application to vary the period, event or condition of a prohibition, or to remove a prohibition, or to vary or remove a restriction</u>		<i><u>Executive procedures</u></i>
<u>Schedule 2A paragraph 5(7)</u>	<u>when the FCA is deciding to refuse an application to vary the period, event or condition of a prohibition, or to remove a prohibition, or to vary or remove a restriction</u>		<i><u>Executive procedures, where no representations are made in response to a warning notice, otherwise by the RDC</u></i>
Schedule 3 paragraph 1	...	...	...

2 Annex  
2G Supervisory notices

...

<b>Payment Services Regulations</b>	<b>Description</b>	<b>Handbook reference</b>	<b>Decision maker</b>
11(6) 11(9) 11(10)(b) 14	...	...	...
<u>Schedule 4A, paragraphs 1(1), 1(2), 2(2)(a), 2(2)(b), 2(3), 4(6) and 4(7)</u>	<u>when exercising its power to impose a prohibition or restriction, or to vary a restriction</u>		<u>RDC or executive procedures (Note 2)</u>  <u>See also DEPP 3.4</u>
Notes:			
(1) ...			
(2) <u>The RDC will take the decision to give a notice imposing a prohibition or imposing or varying a restriction under Schedule 4A paragraphs 1(1), 1(2), 2(2)(a), 2(2)(b), 2(3), 4(6) and 4(7). However, FCA staff under executive procedures will be the decision maker whenever a firm agrees not to contest the imposition of a prohibition or imposition or variation of a restriction.</u>			

<b>Alternative Investment Fund Managers Regulations 2013</b>	<b>Description</b>	<b>Handbook reference</b>	<b>Decision maker</b>
...	...	...	...

<u><b>Electronic Money Regulations</b></u>	<u><b>Description</b></u>	<u><b>Handbook reference</b></u>	<u><b>Decision maker</b></u>

<u>Schedule 2A, paragraphs 1(1), 1(2), 2(2)(a), 2(2)(b), 2(3), 4(6) and 4(7)</u>	<u>when exercising its power to impose a prohibition or restriction, or to vary a restriction</u>		<u><i>RDC or executive procedures</i> (Note 1)</u> <u>See also <i>DEPP</i> 3.4</u>
<p>Notes:</p> <p>(1) <u>The <i>RDC</i> will take the decision to give a notice imposing a prohibition or imposing or varying a restriction under Schedule 2A paragraphs 1(1), 1(2), 2(2)(a), 2(2)(b), 2(3), 4(6) and 4(7). However, <i>FCA</i> staff under <i>executive procedures</i> will be the decision maker whenever a <i>firm</i> agrees not to contest the imposition of a prohibition or imposition or variation of a restriction.</u></p>			

## Annex B

### Amendments to the Enforcement Guide (EG)

In this Annex, underlining indicates new text.

#### 19. Non-FSMA powers

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##### Payment Services Regulations 2009

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19.92A The FCA also has the power to prohibit or restrict the carrying out of certain regulated activities by EEA authorised payment institutions.

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##### Electronic Money Regulations 2011

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19.104A In addition to its powers that apply to authorised electronic money institutions, generally the FCA has the power to prohibit or restrict the carrying out of certain regulated activities by EEA authorised electronic money institutions.

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