

**ENFORCEMENT GUIDE (WARNING NOTICES PUBLICITY) INSTRUMENT 2016**

**Powers exercised**

- 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:
- (1) section 139A (Power of the FCA to give guidance); and
  - (2) section 395 (The FCA's and PRA's procedures).

**Commencement**

- B. This instrument comes into force on 24 June 2016.

**Amendments to the material outside the Handbook**

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

**Citation**

- D. This instrument may be cited as the Enforcement Guide (Warning Notices Publicity) Instrument 2016.

By order of the Board  
23 June 2016

## Annex

### Amendments to the Enforcement Guide (EG)

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

#### 6 Publicity

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#### 6.2 Publicity during, or upon the conclusion of regulatory action

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6.2.19 In cases where the *FCA* publishes a warning notice statement and the *FCA* subsequently decides not to take any further action, or where it publishes a *decision notice* and the subject of enforcement action successfully refers the matter to the *Tribunal*, the *FCA* will make it clear on its website that the ~~warning notice~~ warning notice or the ~~decision notice~~ decision notice no longer applies. The *FCA* will normally do this by publishing a *notice of discontinuance* with the consent of the *person* to whom the *notice of discontinuance* has been copied.

6.2.19A In other cases where a case is resolved following the publication of a warning notice statement, the *FCA* will consider on a case-by-case basis whether to update its website to explain what the outcome was of the case described in the warning notice statement. Where the warning notice statement was issued on an anonymised basis, the *FCA* will at the same time consider the extent to which it is appropriate to identify the subject of the statement.