

**ENFORCEMENT (BANK RECOVERY AND RESOLUTION ORDER 2016)
INSTRUMENT 2017**

Powers exercised

- A. The Financial Conduct Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (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 26 May 2017.

Amendments to the Handbook

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

Material outside the Handbook

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

Citation

- E. This instrument may be cited as the Enforcement (Bank Recovery and Resolution Order 2016) Instrument 2017.

By order of the Board
25 May 2017

Annex A

Amendments to the Decision Procedure and Penalties manual (DEPP)

In this Annex, underlining indicates new text.

2 Statutory notices and the allocation of decision making

...

2 Annex Supervisory notices

2

...

Section of the Act	Description	Handbook reference	Decision maker
...
63ZC(4) 63ZC(8) 63ZC(9)(b)	when the <i>FCA</i> is exercising its power to vary, on its own initiative, an approval granted to an <i>SMF manager</i>		<i>RDC</i> or <i>executive procedures</i> See <i>DEPP 2.5.8AG</i> and <i>DEPP 2.5.8BG</i>
<u>71H(2), (3), (4), (9) or (11)(a)</u>	<u>where the <i>FCA</i> is proposing or deciding to impose or vary a requirement in relation to a director or senior executive under section 71B or 71C(2) or (8) or to appoint or vary the terms of appointment of a temporary manager under section 71C(1)</u>		<u><i>RDC</i></u>
...

Annex B

Amendments to the Enforcement Guide (EG)

In this Annex, underlining indicates new text.

8 Variation and cancellation of permission and imposition of requirements on the FCA's own initiative and intervention against incoming firms

...

8.8 Other relevant powers

Removal of directors and senior executives and appointment of temporary managers

8.8.1 The Bank Recovery and Resolution Order 2016 amended the Act by adding sections 71B to 71I. The FCA has powers to remove directors and senior executives and to appoint temporary managers of relevant firms or parent undertakings, as defined by section 71I of the Act. Where a temporary manager has been appointed, the FCA also has powers to require the directors not to exercise specified functions during the period of appointment and to consult the temporary manager, or obtain the consent of the temporary manager, before taking specified decisions or specified action. The FCA will exercise these powers in accordance with the conditions and procedures set out in the relevant sections of the Act.