

FEES (MISCELLANEOUS AMENDMENTS) (No 17) INSTRUMENT 2022

Powers exercised

- A. The Financial Conduct Authority (“the FCA”) 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 137A (The FCA’s general rules);
 - (2) section 137T (General supplementary powers);
 - (3) section 139A (Power of the FCA to give guidance); and
 - (4) paragraph 23 (Fees) of Part 3 (Penalties and Fees) of Schedule 1ZA (The Financial Conduct Authority) of the Act.
- B. The rule making powers listed above are specified for the purpose of section 138G (Rule-making instruments) of the Act.

Commencement

- C. This instrument comes into force on 1 April 2022.

Amendments to the Handbook

- D. The Fees manual (FEES) is amended in accordance with the Annex to this instrument.

Citation

- E. This instrument may be cited as the Fees (Miscellaneous Amendments) (No 17) Instrument 2022.

By order of the Board
24 March 2022

Annex

Amendments to the Fees manual (FEES)

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

3 Application, Notification and Vetting Fees

...

3 Annex 3R Application fees payable in connection with Recognised Investment Exchanges and Recognised Auction Platforms

Description of applicant	Applicable pricing category in FEES 3 Annex 1AR	Due date
...		
Part 2 (ROIEs)		
...		
Additional fees for applicant who proposes to:		
...		
- <u>use substantially new and untested information technology systems in the performance of its relevant functions</u>	<u>7</u>	<u>Date the application is made</u>

...

3 Annex 9 Special Project Fee for restructuring

(1) R The Special Project Fee for restructuring (the SPFR) is only payable by a *person* in one of the following categories:

...

(e) if that *person* falls within any of the B fee-blocks (as defined in Part 1 of *FEES 4 Annex 1AR*); or

(f) if that *person* applies for the permission in *MIFIDPRU 4.12.4R*.

...

4 Periodic fees

...

4.2 Obligation to pay periodic fees

...

Fee payers ceasing to hold relevant status or reducing the scope of their permission after start of relevant period

4.2.9 G The *FCA* will not rebate or refund periodic fees if, after the start of the period to which they relate:

...

...

4 Annex 1AR FCA activity groups, tariff bases and valuation dates

...

Part 2	
...	
Activity group	Fee payer falls into the fee-block if
...	
AP.0 <i>FCA</i> prudential fee	(1) it is an <i>FCA authorised person</i> other than an <i>FCA authorised person exclusively carrying on credit-related regulated activities with limited permission</i> ; and ...

4 Annex 2AR FCA Fee rates for the period from 1 April 2021 to 31 March 2022

Part 1
...

Activity group	Fee payable	
...		

CC1. Credit-related regulated activities with limited permission	Band Width (£ thousands of annual income (AI))	Fee (£)
	0 - 10	250 <u>500</u>
	>10 - 50 <u>100</u>	500 <u>800</u>
	>50 <u>100</u>	500
	>100	750 <u>1,100</u>
	PLUS:	
		Fee (£/£ thousand or part £ thousand of AI)
	>250	0.50
CC2. Credit-related regulated activities	Band Width (£ thousands of annual income (AI))	Fee (£) <u>Fee (£/£ thousand or part £ thousand of AI)</u>
	0 - 50	750 <u>1,500</u>
	>50—100	1,000 <u>1,750</u>
	>100	1,151
	PLUS:	
		Fee (£/£ thousand or part £ thousand of AI)
	>250	1.40
	<u>A fee payer which falls into fee blocks A.0 and CC2. pays a fee of £0 (£/£ thousand or part £ thousand of annual income (AI)) in relation to income falling within the CC2. fee block up to a Band Width (£ thousands of AI) of 250.</u>	
...		

Part 2

...

**Part 2(a) tariff rates (minimum fees) payable to the FCA by FCA-
authorised persons**

A.0	(1)	£ 1,151 <u>1,750</u> unless it is a <i>community finance organisation</i> with a tariff base of:	
		...	
		...	
AP.0		Periodic fees payable under fee blocks A.2, A.7 to A.19, A.21 and , A.23 <u>and CC.2</u> in Part 1 multiplied by rate £0.1055.	

...

**4 Annex
11AR**

Definition of annual income for the purposes of calculating fees in fee blocks A.13, A.14, A.18, A.19, A.23 and B. Service Companies, UK Recognised Investment Exchanges, Multilateral Trading Facilities, Organised Trading Facilities, Regulated Benchmark Administrators and Claims Management Companies

Annual income definition
<p>General definition for all relevant fee-blocks (other than where the firm is an operator of a UK Recognised Investment Exchange, a Multilateral Trading Facility, an Organised Trading Facility, a Regulated Benchmark Administrator or a Claims Management Company)</p> <p>...</p> <p>The figure should be reported for the relevant fee block without netting off the operating costs or business expenses, but including:</p> <p>(a) all brokerages, <i>commissions, fees</i>, and other related income (for example, administration <i>charges</i>, overrides, profit shares etc) due to the <i>firm</i> in respect of, or in relation to, the provision in the <i>UK</i> of the <i>regulated activities specified</i> in <i>FEES</i> 4 Annex 1AR Part 1 as belonging to the relevant fee block and which the <i>firm</i> has not rebated to <i>clients</i> or passed on to other authorised <i>firms</i> (for example, where there is a commission chain).</p> <p>...</p>

...