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STATUTORY INSTRUMENTS

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**2001 No. 2476**

**The Financial Services and Markets Tribunal Rules 2001**

**PART I**

**INTRODUCTION**

**Citation and commencement**

1. These Rules may be cited as the Financial Services and Markets Tribunal Rules 2001 and shall come into force on the day on which section 132(2) of the Act comes into force.

**Interpretation**

2.—(1) In these Rules, unless the context requires otherwise—

“the Act” means the Financial Services and Markets Act 2000;

“applicant” means a person who refers a case to the Tribunal and, if there is more than one such person, “applicant” means each such person;

“the Authority” means the Financial Services Authority;

“Authority notice” means the decision notice, supervisory notice or other notice relating to the referred action that was given to the applicant by the Authority;

“Chairman” means the person from time to time acting as chairman of the Tribunal in respect of a reference;

“direction” includes any direction, summons or order given or made by the Tribunal;

“documents” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information in legible form;

“file” means send to the Tribunal;

“further material” means documents which—

(a) were considered by the Authority in reaching or maintaining the decision to give an Authority notice; or

(b) were obtained by the Authority in connection with the matter to which that notice relates (whether they were obtained before or after giving the notice) but which were not considered by it in reaching or maintaining that decision,

but does not include documents on which the Authority relies in support of the referred action;

“party” means the applicant or the Authority (or, if there is more than one applicant, any of the applicants or the Authority) and “other party” shall be construed accordingly;

“protected item” has the meaning in section 413;

“reference” means a reference to the Tribunal under or by virtue of the Act or any other enactment (including an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978)(1);

“reference notice” means a notice filed under rule 4(1);

“referred action” means the act (or proposed act) on the part of the Authority that gave rise to the reference;

“register” means the register of references and decisions kept in connection with the Tribunal’s functions and which is open to the inspection of any person without charge at all reasonable hours;

“reply” means a reply filed by the applicant under rule 6(1);

“representations” means written representations or (with the consent of the Tribunal, or at its request) oral representations;

“response document” means:

- (a) in relation to the Authority, its statement of case;
- (b) in relation to the applicant, his reply;

“the Secretary” means the person from time to time appointed as secretary to the Tribunal, being a member of staff appointed under paragraph 6(1) of Schedule 13;

“statement of case” means a statement filed by the Authority under rule 5(1);

“supplementary statement” means a statement that is supplementary to a response document and filed in accordance with a direction given under rule 10(1)(f); and

“the Tribunal” means the Financial Services and Markets Tribunal.

(2) Unless the context requires otherwise—

- (a) a reference in these Rules to a rule by number alone means the rule so numbered in these Rules;
- (b) a reference in these Rules to a section or Schedule by number alone means the section or Schedule so numbered in the Act;
- (c) words and expressions defined in the Act have the same meaning in these Rules; and
- (d) anything permitted or required by these Rules to be done by a party may be done by any representative of that party.

### **Application of these Rules**

3. These Rules apply to all references to the Tribunal.