
DRAFT STATUTORY INSTRUMENTS

2015 No.

The Small and Medium Sized Business
(Finance Platforms) Regulations 2015

PART 5

Monitoring of compliance and enforcement

CHAPTER 6

Misleading the FCA

Proceedings for offence

34.—(1) Proceedings for an offence under regulation 31 (misleading the FCA) may be instituted—

- (a) in England and Wales only by the FCA or by or with the consent of the Director of Public Prosecutions, or
- (b) in Northern Ireland only by the FCA or by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(2) In exercising its power to institute proceedings for an offence under regulation 31, the FCA must comply with any conditions or restrictions imposed in writing by the Treasury in relation to such proceedings.

- (3) Conditions or restrictions may be imposed under paragraph (2) in relation to—
- (a) proceedings generally; or
 - (b) such proceedings, or categories of proceedings, as the Treasury may direct.