

SCHEDULE

Application and modification of primary legislation

Application without modification of provisions of the Act

1. The following provisions of the Act apply in relation to registered persons—
 - (a) section 55N (requirements under section 55L or 55M)(1);
 - (b) sections 55T (persons whose interests are protected) to 55V (determination of applications)(2);
 - (c) section 55X (determination of applications: warning notices and decision notices)(3);
 - (d) section 55Z4 (interpretation of Part 4A)(4);
 - (e) section 138C (evidential provisions)(5);
 - (f) sections 138E (limits on effect of contravening rules) to 138H (verification of rules)(6);
 - (g) section 139B (notification of FCA guidance to the Treasury)(7);
 - (h) section 168 (appointment of persons to carry out investigations in particular cases)(8);
 - (i) section 169 (investigations etc. in support of overseas regulator)(9);
 - (j) sections 170 (investigations: general) to 175 (information and documents: supplemental provisions)(10);
 - (k) section 176A (retention of documents taken under section 176)(11);
 - (l) section 177 (offences)(12);
 - (m) section 204A (meaning of “relevant requirement” and “appropriate regulator”)(13);
 - (n) section 210 (statements of policy)(14);
 - (o) section 211 (statements of policy: procedure)(15);

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- (1) Section 55N was inserted by section 11(2) of the Financial Services Act 2012 (c. 21).
 - (2) Sections 55T to 55V were inserted by section 11(2) of the Financial Services Act 2012. Section 55V was amended by S.I. 2013/1773, 2018/546.
 - (3) Section 55X was inserted by section 11(2) of the Financial Services Act 2012 and amended by S.I. 2018/135, 2018/1149.
 - (4) Section 55Z4 was inserted by section 11(2) of the Financial Services Act 2012.
 - (5) Section 138C was inserted by section 24(1) of the Financial Services Act 2012.
 - (6) Sections 138E to 138H were inserted by section 24(1) of the Financial Services Act 2012. Section 138E was amended by section 35(3) of the Bank of England and Financial Services Act 2016. Section 138F was amended by paragraph 7 of Schedule 3 to the Pension Schemes Act 2015, paragraph 35 of Schedule 2 to the Bank of England and Financial Services Act 2016 (c. 14) and section 121(3) of the Pension Schemes Act 2021 (c. 1).
 - (7) Section 139B was inserted by section 24(1) of the Financial Services Act 2012.
 - (8) Section 168 was amended by paragraph 33(3) of Schedule 7 to the Counter-Terrorism Act 2008 (c. 28), paragraph 16 of Schedule 2 to the Financial Services Act 2010, paragraph 8 of Schedule 12 to the Financial Services Act 2012, paragraph 18 of Schedule 3 to the Financial Guidance and Claims Act 2018, paragraph 8(1) of Schedule 2 to the Financial Services Act 2021 (c. 22) and S.I. 2007/126, 2012/2554, 2013/1773, 2016/225, 2016/680, 2017/1255, 2018/1149, 2019/632.
 - (9) Section 169 was amended by the Financial Services Act 2012 and S.I. 2016/680, 2019/632.
 - (10) Section 170 was amended by the Financial Services Act 2012, Schedule 12, paragraph 11. Section 171 was amended by the Financial Services Act 2021, Schedule 2, paragraph 8(3) and (4) and S.I. 2007/126. Section 174 was amended by the Financial Services Act 2012, Schedule 12, paragraph 12 and S.I. 2016/680. Section 175 was amended by paragraph 13 of Schedule 12 to the Financial Services Act 2012 and paragraph 9 of Schedule 2 to the Investigatory Powers Act 2016 (c. 25).
 - (11) Section 176A was amended by the Financial Services Act 2012, Schedule 12(1), paragraph 15.
 - (12) Section 177 was amended by paragraph 8 of Schedule 18 to the Financial Services Act 2012 and S.I. 2001/1090, 2016/680.
 - (13) Section 204A was inserted by paragraph 10 of Schedule 9 to the Financial Services Act 2012 and amended by section 23(5) of the Bank of England and Financial Services Act 2016, section 11(10) of the Civil Liability Act 2018 (c. 29) and S.I. 2013/1773, 2015/1864, 2016/255, 2019/632.
 - (14) Section 210 was amended by paragraph 20 of Schedule 2(1) to the Financial Services Act 2010 and paragraph 17 of Schedule 9 to the Financial Services Act 2012.
 - (15) Section 211 was amended by the Financial Services Act 2012, Schedule 9(4), paragraph 18.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Financial Services and Markets Act 2000 (Financial Promotion) (Amendment) Order 2023 No. 612

- (p) section 380 (injunctions)(**16**);
- (q) section 382 (restitution orders)(**17**);
- (r) section 385 (warning notices) to 391 (publication)(**18**);
- (s) sections 392 (application of sections 393 and 394) to 395 (the FCA's and PRA's procedures)(**19**);
- (t) Schedule 15 (information and investigations: connected persons)(**20**).

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- (16) Section 380 was amended by paragraph 19 of Schedule 9 to the Financial Services Act 2012, paragraph 3(2) of Schedule 10 to the Financial Services (Banking Reform) Act 2013 (c. 33) and S.I. 2013/1773, 2015/1755, 2016/255, 2019/632.
 - (17) Section 382 was amended by paragraph 21 of Schedule 9 to the Financial Services Act 2012, paragraph 3 of Schedule 10 to the Financial Services (Banking Reform) Act 2013 and S.I. 2013/1773, 2019/632.
 - (18) Sections 385 to 391 were amended by paragraphs 24 to 30 of Schedule 9 to the Financial Services Act 2012. Sections 387 and 388 were also amended by paragraphs 12 and 13 of Schedule 3 to the Financial Services (Banking Reform) Act 2013. Section 390 was also amended by the Transfer of Tribunal Functions Order 2010, Schedule 2, paragraph 47 and S.I. 2010/22. Section 391 was also amended by section 13(3) of, and paragraph 28 of Schedule 2 to, the Financial Services Act 2010, section 4(3) of the Financial Services (Banking Reform) Act 2013 and S.I. 2013/1388, 2013/3115, 2014/2879, 2016/680, 2016/715, 2017/701, 2017/1127, 2019/632, 2019/1043, 2019/1234.
 - (19) Section 392 was amended by paragraph 8(3) of Schedule 13 to the Financial Services Act 2012, section 25(7)(a) of the Financial Services Act 2021, paragraph 6 of Schedule 9 and paragraph 5(b) of Schedule 11 to that Act and S.I. 2007/126, 2013/1388. Sections 393 to 395 were amended by paragraphs 32 to 34 of Schedule 9 to the Financial Services Act 2021. Section 394 was also amended by paragraph 11 of Schedule 4 to the Regulation of Investigatory Powers Act 2000 (c. 23) and paragraph 43 of Schedule 10 to the Investigatory Powers Act 2016. Section 395 was also amended by sections 17(3), 18(6), 19(2) and 24(3) of the Financial Services Act 2021, paragraph 14 of Schedule 2 and paragraph 7 of Schedule 9 to that Act, paragraph 14 of Schedule 3 to the Financial Services (Banking Reform) Act 2013 and S.I. 2005/1433, 2007/1973, 2009/534, 2013/1388, 2016/680, 2016/1239, 2017/701, 2018/135, 2019/325, 2020/1406.
 - (20) Section 55L was inserted by section 11(2) of the Financial Services Act 2012.