



# Financial Services and Markets Act 2000

## 2000 CHAPTER 8

### PART VI

#### OFFICIAL LISTING

##### *Miscellaneous*

#### **[<sup>F1</sup>100A Exercise of powers where UK is host member state**

- (1) This section applies to the exercise by the [<sup>F2</sup>FCA] of any power under this Part exercisable in case of infringement of—
- (a) a provision of prospectus rules or any other provision made in accordance with the prospectus directive, or
  - (b) a provision of transparency rules or any other provision made in accordance with the transparency obligations directive,
- in relation to an issuer whose home State is a member State other than the United Kingdom.

- (2) The [<sup>F3</sup>FCA] may act in such a case only in respect of the infringement of a provision required by the relevant directive.

Any reference to an applicable provision or applicable transparency obligation shall be read accordingly.

- [<sup>F4</sup>(3) If [<sup>F5</sup>the FCA] finds that there has been such an infringement, it must—

- (a) give a notice to that effect to the competent authority of the person's home State requesting it—
  - (i) to take all appropriate measures for the purpose of ensuring that the person remedies the situation that has given rise to the notice, and
  - (ii) to inform [<sup>F5</sup>the FCA] of the measures it proposes to take or has taken or the reasons for not taking such measures, and
- (b) notify ESMA.]

- (4) [<sup>F6</sup>The FCA] may not act further unless satisfied—

*Status: Point in time view as at 24/01/2013. This version of this provision has been superseded.*

*Changes to legislation: Financial Services and Markets Act 2000, Section 100A is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) that the competent authority of the person's home State has failed or refused to take measures for the purpose mentioned in subsection (3)(a), or
- (b) that the measures taken by that authority have proved inadequate for that purpose.

This does not affect exercise of the powers under section 87K(2), 87L(2) or (3) or 89L(2) or (3) (powers to protect market).

- (5) If [<sup>F7</sup>the FCA] is so satisfied, it must, after informing the competent authority of the person's home State [<sup>F8</sup>and ESMA], take all appropriate measures to protect investors.
- (6) In such a case [<sup>F9</sup>the FCA] must inform the Commission [<sup>F10</sup>and ESMA] of the measures at the earliest opportunity.]

#### Textual Amendments

- F1** S. 100A inserted (8.11.2006) by [Companies Act 2006 \(c. 46\)](#), **ss. 1271**, 1300(1)(a)
- F2** Word in s. 100A(1) substituted (24.1.2013 for specified purposes) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 16(12)(a)**, 122(3) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(c), [Sch. Pt. 3](#)
- F3** Word in s. 100A(2) substituted (24.1.2013 for specified purposes) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 16(12)(a)**, 122(3) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(c), [Sch. Pt. 3](#)
- F4** S. 100A(3) substituted (16.4.2012) by [The Financial Services \(Omnibus 1 Directive\) Regulations 2012 \(S.I. 2012/916\)](#), regs. 1, **2(6)(a)**
- F5** Words in s. 100A(3) substituted (24.1.2013 for specified purposes) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 16(12)(b)**, 122(3) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(c), [Sch. Pt. 3](#)
- F6** Words in s. 100A(4) substituted (24.1.2013 for specified purposes) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 16(12)(c)**, 122(3) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(c), [Sch. Pt. 3](#)
- F7** Words in s. 100A(5) substituted (24.1.2013 for specified purposes) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 16(12)(d)**, 122(3) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(c), [Sch. Pt. 3](#)
- F8** Words in s. 100A(5) inserted (16.4.2012) by [The Financial Services \(Omnibus 1 Directive\) Regulations 2012 \(S.I. 2012/916\)](#), regs. 1, **2(6)(b)**
- F9** Words in s. 100A(6) substituted (24.1.2013 for specified purposes) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 16(12)(d)**, 122(3) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(c), [Sch. Pt. 3](#)
- F10** Words in s. 100A(6) inserted (16.4.2012) by [The Financial Services \(Omnibus 1 Directive\) Regulations 2012 \(S.I. 2012/916\)](#), regs. 1, **2(6)(c)**

**Status:**

Point in time view as at 24/01/2013. This version of this provision has been superseded.

**Changes to legislation:**

Financial Services and Markets Act 2000, Section 100A is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.