



Financial Services and Markets Act 2000

2000 CHAPTER 8

PART VIII

[^{F1}PROVISIONS RELATING TO MARKET ABUSE]

Miscellaneous

[^{F1}129 Power of court to impose administrative sanctions in cases of market abuse

- (1) The FCA may, on an application to the court under sections 380 to 383 which relates to a market abuse requirement, request the court to consider whether it is appropriate to impose one or more of the following on the person to whom the application relates—
 - (a) a penalty;
 - (b) if the person concerned is an individual, a temporary prohibition or a permanent prohibition; or
 - (c) a suspension or restriction.
- (2) The court may, if it considers it appropriate, make an order which does one or more of the following—
 - (a) requires the person concerned to pay to the FCA a penalty of such amount as the court considers appropriate;
 - (b) if the person concerned is an individual, imposes a temporary prohibition or a permanent prohibition on that individual; or
 - (c) imposes a suspension or restriction on the person concerned.
- (3) But the court may impose a permanent prohibition only where it is satisfied the person concerned has contravened Article 14 (prohibition of insider dealing and of unlawful disclosure of inside information) or Article 15 (prohibition of market manipulation) of the market abuse regulation.
- (4) Section 123A(4) to (6) apply to a prohibition imposed by an order made under subsection (2) as they do to a prohibition under section 123A, but with—

Status: Point in time view as at 03/07/2016. This version of this provision has been superseded.

Changes to legislation: Financial Services and Markets Act 2000, Section 129 is up to date with all changes known to be in force on or before 28 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) references to a prohibition under section 123A having effect as references to a prohibition under this section; and
 - (b) references to the FCA having effect as references to the court which makes the order under this section.
- (5) Section 123B(4) to (6) and (8) apply to a suspension or restriction imposed by an order under subsection (2) as they do to a suspension or restriction imposed under section 123B.
- (6) The court may—
- (a) vary or revoke a prohibition imposed under this section;
 - (b) withdraw a suspension or restriction imposed under this section; or
 - (c) vary a suspension or a restriction imposed under this section so as to reduce the period for which it has effect or otherwise to limit its effect.
- (7) In this section—
- “market abuse requirement” means a requirement imposed by the market abuse regulation or a supplementary EU regulation which is a relevant requirement for the purposes of section 380 or 382 (as the case may be);
- “permanent prohibition” means a permanent prohibition on an individual holding an office or position involving responsibility for taking decisions about the management of an investment firm;
- “suspension or restriction” means—
- (a) a suspension of any permission which a person has to carry on a regulated activity for such period as the court considers appropriate ; or
 - (b) such limitations or other restrictions as the court considers appropriate in relation to the carrying on of a regulated activity by a person for such period as the court considers appropriate;
- “temporary prohibition” means a temporary prohibition on an individual—
- (a) holding an office or position involving responsibility for taking decisions about the management of an investment firm; or
 - (b) acquiring or disposing of financial instruments, whether on his or her own account or the account of a third party and whether directly or indirectly.]

Textual Amendments

- F1** S. 129 substituted (3.7.2016) by [The Financial Services and Markets Act 2000 \(Market Abuse\) Regulations 2016 \(S.I. 2016/680\)](#), regs. 1, 9(11)

Status:

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