



Financial Services and Markets Act 2000

2000 CHAPTER 8

[^{F1}PART 9A

RULES AND GUIDANCE

CHAPTER 2

RULES: MODIFICATION, WAIVER, CONTRAVENTION AND PROCEDURAL PROVISIONS

Procedural provisions

[^{F1}138F Notification of rules

[If either regulator makes, alters or revokes any rules, that regulator must without delay ^{F2}(1)] give written notice [^{F3}to the Treasury].

[The FCA must also give written notice to the Bank of England.]
^{F4}(1A)

[Subsection [^{F6}(1A)] does not apply to rules made under or by virtue of section ^{F5}(2) [^{F7}137FAA,] 137FB, [^{F8}137FBA,][^{F9}, 137FC][^{F10}, 137SA][^{F11}, 137SB]^{F12}... [^{F13}or 333T].]

Textual Amendments

- F1** Pt. 9A substituted for ss. 138-164 (24.1.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Financial Services Act 2012 \(c. 21\)](#), [ss. 24\(1\), 122\(3\)](#) (with [Sch. 20](#)); [S.I. 2013/113](#), [art. 2\(1\)\(c\)](#), [Sch. Pt. 3](#); [S.I. 2013/423](#), [art. 3](#), [Sch.](#)
- F2** S. 138F(1): s. 138F renumbered as s. 138F(1) (3.3.2015) by [Pension Schemes Act 2015 \(c. 8\)](#), [s. 89\(1\)\(a\)](#), [Sch. 3 para. 7\(2\)](#) (with [s. 87](#))
- F3** Words in s. 138F(1) substituted for s. 138F(1)(a)(b) (1.3.2017) by [Bank of England and Financial Services Act 2016 \(c. 14\)](#), [s. 41\(3\)](#), [Sch. 2 para. 35\(2\)](#) (with [Sch. 3](#)); [S.I. 2017/43](#), [reg. 2\(g\)](#)

Status: Point in time view as at 07/10/2023. This version of this provision has been superseded.

Changes to legislation: Financial Services and Markets Act 2000, Section 138F is up to date with all changes known to be in force on or before 10 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)

- F4** S. 138F(1A) inserted (1.3.2017) by Bank of England and Financial Services Act 2016 (c. 14), s. 41(3), **Sch. 2 para. 35(3)** (with Sch. 3); S.I. 2017/43, reg. 2(g)
- F5** S. 138F(2) inserted (3.3.2015) by Pension Schemes Act 2015 (c. 8), s. 89(1)(a), **Sch. 3 para. 7(3)** (with s. 87)
- F6** Word in s. 138F(2) substituted (1.3.2017) by Bank of England and Financial Services Act 2016 (c. 14), s. 41(3), **Sch. 2 para. 35(4)** (with Sch. 3); S.I. 2017/43, reg. 2(g)
- F7** Word in s. 138F(2) inserted (11.2.2021 for specified purposes, 14.10.2022 in so far as not already in force) by Pension Schemes Act 2021 (c. 1), **ss. 121(3)**, 131(1)(3)(a); S.I. 2022/1044, reg. 2(c)
- F8** Word in s. 138F(2) inserted (6.7.2016) by Bank of England and Financial Services Act 2016 (c. 14), **ss. 33(3)**, 41(3); S.I. 2016/627, reg. 2(1)(x)
- F9** Word in s. 138F(2) inserted (1.1.2019) by Financial Guidance and Claims Act 2018 (c. 10), s. 37(5), **Sch. 3 para. 13(b)**; S.I. 2018/1330, reg. 2(g)(iii)
- F10** Word in s. 138F(2) inserted (10.5.2018) by Financial Guidance and Claims Act 2018 (c. 10), s. 37(1)(e)(ii), **Sch. 3 para. 13(a)**
- F11** Word in s. 138F(2) inserted (1.10.2018) by Financial Guidance and Claims Act 2018 (c. 10), s. 37(5), **Sch. 3 para. 13(c)**; S.I. 2018/1029, reg. 2(q)
- F12** Words in s. 138F(2) omitted (1.1.2019) by virtue of Financial Guidance and Claims Act 2018 (c. 10), s. 37(5), **Sch. 3 para. 13(d)**; S.I. 2018/1330, reg. 2(g)(iii)
- F13** Words in s. 138F(2) substituted (6.7.2016) by Bank of England and Financial Services Act 2016 (c. 14), **ss. 29(3)**, 41(3); S.I. 2016/627, reg. 2(1)(w)

Modifications etc. (not altering text)

- C1** Pt. 9A Ch. 2 applied (with modifications) (13.8.2017 for specified purposes, 13.1.2018 in so far as not already in force) by The Payment Services Regulations 2017 (S.I. 2017/752), reg. 1(2)(b)(ii)(6), **Sch. 6 para. 3(2)** (with reg. 3) (as amended (18.9.2023) by The Electronic Money, Payment Card Interchange Fee and Payment Services (Amendment) Regulations 2023 (S.I. 2023/790), regs. 1(2)(a), **4(5)(a)(iii)**)
- C2** Pt. 9A Ch. 2 applied (with modifications) by S.I. 2011/99, **Sch. 3 para. 2A(2)(3)** (as inserted (13.8.2017 for specified purposes, 13.10.2017 for specified purposes, 13.1.2018 in so far as not already in force) by The Payment Services Regulations 2017 (S.I. 2017/752), reg. 1(2)(c)(iii)(3)(f)(i)(6), **Sch. 8 para. 5(31)(a)** (with reg. 3) and as amended (18.9.2023) by The Electronic Money, Payment Card Interchange Fee and Payment Services (Amendment) Regulations 2023 (S.I. 2023/790), regs. 1(2)(a), **2(3)(a)(iii)-(v)**)
- C3** Pt. 9A Ch. 2 applied (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **209(6)** (with reg. 209(7)); 2020 c. 1, Sch. 5 para. 1(1)
- C4** Pt. 9A Ch. 2 applied (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **208(7)** (with reg. 208(8)); 2020 c. 1, Sch. 5 para. 1(1)
- C5** Pt. 9A applied (with modifications) (31.12.2020) by The Transparency of Securities Financing Transactions and of Reuse (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/542), regs. 1, **35** (as amended by S.I. 2020/1385, regs. 1(4), **56(7)**) (with savings in S.I. 2019/680, **reg. 11**); 2020 c. 1, **Sch. 5 para. 1(1)**
- C6** Pt. 9A applied (31.12.2020) by The Solvency 2 and Insurance (Amendment, etc.) (EU Exit) Regulations 2019 (S.I. 2019/407), regs. 1(2), 4, **Sch. 3** (as amended by S.I. 2020/1301, regs. 1, 3, Sch. para. 27(a) and S.I. 2020/1385, regs. 1(2), 54(2))
- C7** Pt. 9A applied (with modifications) (31.12.2020) by The Over the Counter Derivatives, Central Counterparties and Trade Repositories (Amendment, etc., and Transitional Provision) (EU Exit) Regulations 2019 (S.I. 2019/335), regs. 1(1), **74** (as amended by S.I. 2020/1385, regs. 1(4), **52(7)**) (with savings in S.I. 2019/680, **reg. 11**); 2020 c. 1, **Sch. 5 para. 1(1)**
- C8** Pt. 9A Ch. 2 applied in part (1.7.2021) by Regulation (EU) No. 600/2014, Art. 50D (as inserted by Financial Services Act 2021 (c. 22), s. 49(5), **Sch. 10 para. 12** (with Sch. 10 para. 13); S.I. 2021/739, reg. 3(o))

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- C9** Pt. 9A applied (1.7.2021) by Regulation (EU) No. 600/2014, Art. 49A(12) (as inserted by Financial Services Act 2021 (c. 22), s. 49(5), **Sch. 10 para. 9**; S.I. 2021/739, reg. 3(o))
- C10** S. 138F applied (with modifications) by 2013 c. 13, s. **97D(2)(3)** (as inserted (26.10.2018) by The Financial Regulators Powers (Technical Standards etc.) (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1115), **regs. 1(2), 10(4)**)
- C11** S. 138F applied (with modifications) by 2013 c. 13, Sch. 4 para. 9A(5)(6) (as inserted (26.10.2018) by The Financial Regulators Powers (Technical Standards etc.) (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1115), **regs. 1(2), 10(5)(c)**)
- C12** Ss. 138F-138O applied by S.I. 2018/1201, Sch. 3 para. 12K(3) (as inserted (1.3.2019) by The Financial Services Contracts (Transitional and Saving Provision) (EU Exit) Regulations 2019 (S.I. 2019/405), **regs. 1(2), 10(2)**)
- C13** Ss. 138F-138O applied by S.I. 2018/1201, reg. 35(3) (as inserted (1.3.2019) by The Financial Services Contracts (Transitional and Saving Provision) (EU Exit) Regulations 2019 (S.I. 2019/405), **regs. 1(2), 10(3)**)
- C14** Ss. 138F-138O applied by S.I. 2018/1149, reg. 63(3) (as inserted (1.3.2019) by The Financial Services Contracts (Transitional and Saving Provision) (EU Exit) Regulations 2019 (S.I. 2019/405), **regs. 1(2), 3**)
- C15** S. 138F applied (31.12.2020) by The Credit Rating Agencies (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/266), **regs. 1(3), 4(2)(c)** (with savings in S.I. 2019/680, reg. 11); 2020 c. 1, Sch. 5 para. 1(1)
- C16** Ss. 138F-138O applied (31.12.2020) by The Electronic Commerce and Solvency 2 (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1361), **regs. 1(2), 23(3)** (as amended by S.I. 2019/1390, **regs. 1(2), 6**); 2020 c. 1, Sch. 5 para. 1(1)
- C17** S. 138F applied (1.7.2021) by Regulation (EU) No. 648/2012, Art. 84b(1)(2) (as inserted by Financial Services Act 2021 (c. 22), **ss. 40(4), 49(5)**; S.I. 2021/739, reg. 3(v))
- C18** S. 138F applied (with modifications) (1.7.2021) by Regulation (EU) No. 1286/2014, Art. 4A(2)(3) (as inserted by Financial Services Act 2021 (c. 22), **ss. 38(2), 49(5)** (with s. 38(3)); S.I. 2021/739, reg. 3(t))
- C19** Ss. 138E-138H applied (8.6.2023 for specified purposes, 7.10.2023 in so far as not already in force) by The Financial Services and Markets Act 2000 (Financial Promotion) (Amendment) Order 2023 (S.I. 2023/612), art. 1(2), **Sch. para. 1(f)** (with art. 11)
- C20** S. 138F applied (with modifications) (29.8.2023) by Regulation (EU) No. 648/2012, Art. 84c (as inserted by Financial Services and Markets Act 2023 (c. 29), s. 86(3), **Sch. 2 para. 30** (with s. 2(3)); S.I. 2023/779, reg. 4(zz)(ii))

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