



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}138H Verification of rules

- (1) The production of a printed copy of a rule-making instrument purporting to be made by a regulator—
 - (a) on which is endorsed a certificate signed by a member of staff of that regulator who is authorised by the regulator for that purpose, and
 - (b) which contains the required statements,is evidence (or in Scotland sufficient evidence) of the facts stated in the certificate.
- (2) The required statements are—
 - (a) that the instrument was made by the FCA or the PRA (as the case may be),
 - (b) that the copy is a true copy of the instrument, and
 - (c) that on a specified date the instrument was made available to the public in accordance with section 138G(4).
- (3) A certificate purporting to be signed as mentioned in subsection (1) is to be taken to have been properly signed unless the contrary is shown.
- (4) A person who wishes in any legal proceedings to rely on a rule-making instrument may require the regulator that made the rule to endorse a copy of the instrument with a certificate of the kind mentioned in subsection (1).]

Status: Point in time view as at 29/08/2023. This version of this provision has been superseded.

Changes to legislation: Financial Services and Markets Act 2000, Section 138H is up to date with all changes known to be in force on or before 18 August 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)

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.](#)

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))
- 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. 138H modified (20.2.2013) by [The Financial Services Act 2012 \(Transitional Provisions\) \(Rules and Miscellaneous Provisions\) Order 2013 \(S.I. 2013/161\)](#), arts. 1(1), **3(6)**
- C11** S. 138H excluded by [S.I. 2002/1501](#), art. 12(1) (as amended) (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), **Sch. 2 para. 76(c)(i)**
- C12** S. 138H modified (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No. 2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **64(4)**
- C13** S. 138H 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))

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- C14** S. 138H 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)**)
- C15** S. 138H modified (E.W.S.) (29.11.2018 for specified purposes, 1.4.2019 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Claims Management Activity\) Order 2018](#) (S.I. 2018/1253), arts. 1(2)(3), **85(6)**)
- C16** 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)**)
- C17** 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)**)
- C18** 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**)
- C19** S. 138H applied (31.12.2020) by [The Credit Rating Agencies \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/266), regs. 1(3), **4(2)(e)** (with savings in S.I. 2019/680, reg. 11); 2020 c. 1, Sch. 5 para. 1(1)
- C20** 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)
- C21** S. 138H 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))
- C22** Ss. 138E-138H applied (8.6.2023 for specified purposes) 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)
- C23** S. 138H 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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