



# Financial Services and Markets Act 2000

## 2000 CHAPTER 8

### PART XII

#### CONTROL OVER AUTHORISED PERSONS

##### *[<sup>F1</sup>Enforcement procedures*

##### **[<sup>F1</sup>191C Orders for sale of shares**

- (1) The court may, on the application of the [<sup>F2</sup>appropriate regulator], order the sale of shares or the disposition of voting power in the following circumstances.
- (2) The circumstances are that—
  - (a) a person has control over a UK authorised person by virtue of holding the shares or voting power; and
  - (b) the acquisition or continued holding of the shares or voting power by that person is in contravention of a final notice which confirms a decision notice given under section 189 or section 191A.

[ Where the appropriate regulator is the PRA, it must consult the FCA before making <sup>F3</sup>(2A) an application to the court under this section.

- (2B) Where the appropriate regulator is the FCA, it must consult the PRA before making an application to the court under this section if—
  - (a) the UK authorised person has as a member of its immediate group a PRA-  
authorised person, or
  - (b) the person holding the shares or voting power is a PRA-  
authorised person.]
- (3) Where the court orders the sale of shares or disposition of voting power it may—
  - (a) if a restriction notice has been given in relation to the shares or voting power,  
order that the restrictions cease to apply; and
  - (b) make any further order.

*Status: Point in time view as at 16/12/2016.*

*Changes to legislation: Financial Services and Markets Act 2000, Section 191C is up to date with all changes known to be in force on or before 26 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)*

- (4) Where the court makes an order under this section, it must take into account the level of holding that the person would have been entitled to acquire, or to continue to hold, without contravening the final notice.
- (5) If shares are sold or voting power disposed of in pursuance of an order under this section, any proceeds, less the costs of the sale or disposition, must be paid into court for the benefit of the persons beneficially interested in them; and any such person may apply to the court for payment of a whole or part of the proceeds.
- (6) The jurisdiction conferred by this section may be exercised by the High Court and the Court of Session.
- [ The appropriate regulator must obtain the consent of the Bank of England before
- <sup>F4</sup>(7) making an application under this section in relation to shares if the Bank has the power to direct the sale of those shares under section 190A(4).
- (8) The appropriate regulator may not make an application under this section in relation to shares if the Bank of England has given a direction for the sale of those shares under section 190A(4).]]

#### Textual Amendments

- F1** Ss. 178-191G and cross-headings substituted (21.3.2009) for ss. 178-191 and cross-headings by [The Financial Services and Markets Act 2000 \(Controllers\) Regulations 2009 \(S.I. 2009/534\)](#), reg. 3, [Sch. 1](#) (with reg. 8)
- F2** Words in Pt. 12 substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), [ss. 26\(2\)](#), 122(3) (with [Sch. 20](#)); [S.I. 2013/423](#), art. 3, [Sch.](#)
- F3** S. 191C(2A)(2B) inserted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), [ss. 26\(9\)](#), 122(3) (with [Sch. 20](#)); [S.I. 2013/423](#), art. 3, [Sch.](#)
- F4** S. 191C(7)(8) inserted (16.12.2016) by [The Bank Recovery and Resolution Order 2016 \(S.I. 2016/1239\)](#), arts. 1(2), [33\(4\)](#)

**Status:**

Point in time view as at 16/12/2016.

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