



Financial Services and Markets Act 2000

2000 CHAPTER 8

PART XIII

INCOMING FIRMS: INTERVENTION BY AUTHORITY

Exercise of power of intervention

199 Additional procedure for EEA firms in certain cases.

- (1) This section applies if it appears to the Authority that its power of intervention is exercisable in relation to an EEA firm exercising EEA rights in the United Kingdom (“an incoming EEA firm”) in respect of the contravention of a relevant requirement.
- (2) A requirement is relevant if—
 - (a) it is imposed by the Authority under this Act; and
 - (b) as respects its contravention, any of the single market directives provides that a procedure of the kind set out in the following provisions of this section is to apply.
- (3) The Authority must, in writing, require the firm to remedy the situation.
- (4) If the firm fails to comply with the requirement under subsection (3) within a reasonable time, the Authority must give a notice to that effect to the firm’s home state regulator requesting it—
 - (a) to take all appropriate measures for the purpose of ensuring that the firm remedies the situation which has given rise to the notice; and
 - (b) to inform the Authority of the measures it proposes to take or has taken or the reasons for not taking such measures.
- (5) Except as mentioned in subsection (6), the Authority may not exercise its power of intervention unless satisfied—
 - (a) that the firm’s home state regulator has failed or refused to take measures for the purpose mentioned in subsection (4)(a); or

Status: Point in time view as at 11/01/2005. This version of this provision has been superseded.

Changes to legislation: Financial Services and Markets Act 2000, Section 199 is up to date with all changes known to be in force on or before 16 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)

- (b) that the measures taken by the home state regulator have proved inadequate for that purpose.
- (6) If the Authority decides that it should exercise its power of intervention in respect of the incoming EEA firm as a matter of urgency in order to protect the interests of consumers, it may exercise that power—
 - (a) before complying with subsections (3) and (4); or
 - (b) where it has complied with those subsections, before it is satisfied as mentioned in subsection (5).
- (7) In such a case the Authority must at the earliest opportunity inform the firm’s home state regulator and the Commission.
- (8) If—
 - (a) the Authority has (by virtue of subsection (6)) exercised its power of intervention before complying with subsections (3) and (4) or before it is satisfied as mentioned in subsection (5), and
 - (b) the Commission decides under any of the single market directives that the Authority must rescind or vary any requirement imposed in the exercise of its power of intervention,
 the Authority must in accordance with the decision rescind or vary the requirement.

Modifications etc. (not altering text)

- C1** S. 199 extended (1.12.2001) by [S.I. 2001/2636](#), [arts. 1\(2\)\(b\)](#), 37, 52(4); [S.I. 2001/3538](#), [art. 2\(1\)](#)
 S. 199 extended (1.12.2001) by [S.I. 2001/3592](#), [arts. 1\(2\)](#), 22(6) (with [art. 23\(2\)](#))
- C2** S. 199(7) modified (1.12.2001) by [S.I. 2001/3084](#), [arts. 1\(1\)\(b\)](#), 2(7); [S.I. 2001/3538](#), [art. 2\(1\)](#)

Commencement Information

- I1** S. 199 wholly in force at 1.12.2001; s. 199 not in force at Royal Assent see s. 431(2); s. 199 in force for specified purposes at 3.9.2001 by [S.I. 2001/2632](#), [art. 2\(2\)](#), [Sch. Pt. 2](#); s. 199 in force in so far as not already in force at 1.12.2001 by [S.I. 2001/3538](#), [art. 2\(1\)](#)

Status:

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