



Financial Services and Markets Act 2000

2000 CHAPTER 8

PART IV

PERMISSION TO CARRY ON REGULATED ACTIVITIES

Variation and cancellation of Part IV permission

45 Variation etc. on the Authority's own initiative.

- (1) The Authority may exercise its power under this section in relation to an authorised person if it appears to it that—
- (a) he is failing, or is likely to fail, to satisfy the threshold conditions;
 - (b) he has failed, during a period of at least 12 months, to carry on a regulated activity for which he has a Part IV permission; or
 - [^{F1}(c) it is desirable to exercise the power in order to meet any of its regulatory objectives.]

[^{F2}(1A) For the purposes of subsection (1)(c) it does not matter whether there is a relationship between the authorised person and the persons whose interests will be protected by the exercise of the power under this section.]

- (2) The Authority's power under this section is the power to vary a Part IV permission in any of the ways mentioned in section 44(1) or to cancel it.

[^{F3}(2A) Without prejudice to the generality of subsections (1) and (2), the Authority may, in relation to an authorised person who is an investment firm, exercise its power under this section to cancel the Part IV permission of the firm if it appears to it that—

- (a) the firm has failed, during a period of at least six months, to carry on a regulated activity which is an investment service or activity for which it has a Part IV permission;
- (b) the firm obtained the Part IV permission by making a false statement or by other irregular means;
- (c) the firm no longer satisfies the requirements for authorisation pursuant to Chapter I of Title II of the markets in financial instruments directive, or

Status: Point in time view as at 08/06/2010. This version of this provision has been superseded.

Changes to legislation: Financial Services and Markets Act 2000, Section 45 is up to date with all changes known to be in force on or before 06 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)

- pursuant to or contained in any Community legislation made under that Chapter, in relation to a regulated activity which is an investment service or activity for which it has a Part IV permission; or
- (d) the firm has seriously and systematically infringed the operating conditions pursuant to Chapter II of Title II of the markets in financial instruments directive, or pursuant to or contained in any Community legislation made under that Chapter, in relation to a regulated activity which is an investment service or activity for which it has a Part IV permission.
- (2B) For the purposes of subsection (2A) a regulated activity is an investment service or activity if it falls within the definition of “investment services and activities” in section 417(1).]
- (3) If, as a result of a variation of a Part IV permission under this section, there are no longer any regulated activities for which the authorised person concerned has permission, the Authority must, once it is satisfied that it is no longer necessary to keep the permission in force, cancel it.
- (4) The Authority’s power to vary a Part IV permission under this section extends to including any provision in the permission as varied that could be included if a fresh permission were being given in response to an application under section 40.
- (5) The Authority’s power under this section is referred to in this Part as its own-initiative power.

Textual Amendments

- F1** S. 45(1)(c) substituted (8.6.2010) by [Financial Services Act 2010 \(c. 28\)](#), **ss. 3(3)(a)**, 26(2)(a)
- F2** S. 45(1A) inserted (8.6.2010) by [Financial Services Act 2010 \(c. 28\)](#), **ss. 3(3)(b)**, 26(2)(a)
- F3** S. 45(2A)(2B) inserted (1.4.2007 for certain purposes, otherwise 1.11.2007) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2007 \(S.I. 2007/126\)](#), regs. 1(2), 3(5), **Sch. 5 para. 4**

Modifications etc. (not altering text)

- C1** S. 45 amended (*temp.* from 3.9.2001 to 1.12.2001) by [S.I. 2001/2659](#), **arts. 1(2)**, 3(3); [S.I. 2001/3538](#), **art. 2(1)**
 S. 45 modified (*temp.* from 31.10.2001) by [S.I. 2001/3374](#), **arts. 1**, 11
- C2** [Ss. 44, 45 \(except s. 45\(1\)\(b\)\)](#) modified (*temp.* from 8.4.2002) by [The Financial Services and Markets Act 2000 \(Permission and Applications\) \(Credit Unions etc.\) Order 2002 \(S.I. 2002/704\)](#), **art. 7**
- C3** S. 45(1)(b) excluded (*temp.* from 3.9.2001 to 1.12.2001) by [S.I. 2001/2659](#), **arts. 1(2)**, 3(3); [S.I. 2001/3538](#), **art. 2(1)**
- C4** S. 45(1)(b) modified (1.7.2009 for certain purposes, otherwise 30.6.2010) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2009 \(S.I. 2009/1342\)](#), **arts. 1(2)**, 34, **Sch. paras. 1, 3**

Commencement Information

- II** S. 45 wholly in force at 1.12.2001; s. 45 not in force at Royal Assent see [s. 431\(2\)](#); s. 45 in force for specified purposes at 3.9.2001 by [S.I. 2001/2632](#), **art. 2(2)**, **Sch. Pt. 2**; s. 45 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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