
STATUTORY INSTRUMENTS

2001 No. 3592

The Financial Services and Markets Act 2000 (Transitional Provisions) (Partly Completed Procedures) Order 2001

PART IX

APPEALS

CHAPTER II

APPEALS TO THE BANKING APPEAL TRIBUNAL

Modifications to Banking Appeal Tribunal Regulations 1987

117. The Banking Appeal Regulations 1987(1) and the Banking Appeal Tribunal (Scottish Appeals) Regulations 1987(2) continue to apply after commencement (notwithstanding their revocation and the repeal of the Banking Act) with the following modifications—

- (a) in regulation 2(1) after the definition of “the chairman” is inserted—
 - ““transitional Banking Act appeal” has the meaning given in article 113 of the Financial Services and Markets Act 2000 (Transitional Provisions) (Partly Completed Procedures) Order 2001;”;
- (b) at the end of regulation 2 the following paragraph is inserted—
 - “(3) In these Regulations—
 - (a) references to an appeal under section 27(1) of the Act shall be construed as references to a transitional Banking Act appeal brought by an institution under section 27(1); and
 - (b) references to an appeal under section 27(2) of the Act shall be construed as references to a transitional Banking Act appeal brought by a person under section 27(2);
 - (c) references to an appeal under section 27(3) of the Act shall be construed as references to a transitional Banking Act appeal brought by a person under section 27(3).”;
- (c) in regulation 3 for the words “appeals under Part I of the Act” are substituted “transitional Banking Act appeals”;
- (d) in regulation 8, paragraph (1) is replaced by the following—
 - “The appellant shall send to the secretary a notice setting out the grounds of appeal within—

(1) S.I.1987/1299. The Regulations were amended by S.I. 1993/982 and S.I. 1998/1129.

(2) S.I. 1987/1336. The Regulations were amended by S.I. 1993/1061 (S.150) and S.I. 1998/1129.

- (a) 28 days from the date on which the Authority served notice in writing on the appellant of its decision in the case of an appeal against the decision of the Authority (or any finding relating thereto) to revoke authorisation, and
- (b) 14 days of serving the notice of appeal in any other case.”;
- (e) in regulation 10, paragraph (2) is omitted;
- (f) in regulation 11(1), for the words “of the operation of any restriction or direction or any variation of a restriction or direction” are substituted the words “of a decision”;
- (g) after regulation 14 is inserted the following regulation—

“14A Hearing as to appropriate action

In the case of an appeal under section 27(1) or section 27(3), the Tribunal shall inform the parties of the directions (if any) it is minded to give to the Authority and shall afford the parties fourteen days in which to make written representations to it before making its determination.”;

- (h) in regulation 15, paragraph (1) is omitted;
- (i) in regulation 16(4) the words after “dismissed” are omitted.

Commencement Information

II Art. 117 in force at 1.12.2001, see [art. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Transitional Provisions) (Partly Completed Procedures) Order 2001, Section 117.