

## STATUTORY INSTRUMENTS

# 2001 No. 544

## The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001

### [<sup>F1</sup>PART V

#### UNAUTHORISED PERSONS CARRYING ON INSURANCE MEDIATION ACTIVITIES

#### [<sup>F1</sup>Exclusion from record where not fit and proper to carry on insurance mediation activities

95.—(1) If it appears to [<sup>F2</sup>the FCA] that a person who falls within article 93(2) (appointed representatives) (“AR”) is not a fit and proper person to carry on insurance mediation activities, it may decide not to include him in the record or, if that person is already included in the record, to remove him from the record.

(2) Where [<sup>F2</sup>the FCA] proposes to make a determination under paragraph (1), it must give AR a warning notice.

(3) If [<sup>F2</sup>the FCA] makes a determination under paragraph (1), it must give AR a decision notice.

(4) If [<sup>F2</sup>the FCA] gives AR a decision notice under paragraph (3), AR may refer the matter to the Tribunal.

(5) [<sup>F2</sup>The FCA] may, on the application of AR, revoke a determination under paragraph (1).

(6) If [<sup>F2</sup>the FCA] decides to grant the application, it must give AR written notice of its decision.

(7) If [<sup>F2</sup>the FCA] proposes to refuse the application, it must give AR a warning notice.

(8) If [<sup>F2</sup>the FCA] decides to refuse the application, it must give AR a decision notice.

(9) If [<sup>F2</sup>the FCA] gives AR a decision notice under paragraph (8), AR may refer the matter to the Tribunal.

(10) Sections 393 and 394 of the Act (third party rights and access to [<sup>F3</sup>FCA or PRA] material) apply to a warning notice given in accordance with paragraph (2) or (7) and to a decision notice given in accordance with paragraph (3) or (8).]

#### Textual Amendments

**F1** Pt. 5 inserted (31.10.2004 for specified purposes, 14.1.2005 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No. 2\) Order 2003 \(S.I. 2003/1476\)](#), arts. 1(3), **13**

**F2** Words in art. 95(1)-(9) substituted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), art. 1(1), **Sch. 2 para. 35(a)**

**F3** Words in art. 95(10) substituted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), art. 1(1), **Sch. 2 para. 35(i)**

**Status:**

Point in time view as at 01/04/2013. This version of this provision has been superseded.

**Changes to legislation:**

The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001, Section 95 is up to date with all changes known to be in force on or before 24 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.