
STATUTORY INSTRUMENTS

2013 No. 1635

**The Legal Aid, Sentencing and Punishment of
Offenders Act 2012 (Referral Fees) Regulations 2013**

PART 6

Disciplinary measures and offences

Suspension of and restrictions on approval to carry on functions

18.—(1) If the FCA considers that an approved person (“A”) has been knowingly concerned in a contravention by the relevant referral fees authorised person of a relevant requirement, it may—

- (a) suspend, for such period as it considers appropriate, any approval of the performance by A of any function to which the approval relates, or
- (b) impose for such period as it considers appropriate, such limitations or other restrictions in relation to the performance by A of any function to which any approval relates as it considers appropriate.

(2) The period for which a suspension or restriction is to have effect may not exceed two years.

(3) A suspension or restriction may have effect in relation to part of a function.

(4) A restriction may, in particular, be imposed so as to require any person to take, or refrain from taking, specified action.

(5) The FCA may not take action under this regulation after the end of the period of three years beginning with the first day on which the FCA knew of conduct by A within the scope of paragraph (1), unless proceedings in respect of it against A were begun before the end of that period.

(6) For the purposes of paragraph (5)—

- (a) the FCA is to be treated as knowing of A’s conduct if it has information from which the conduct can reasonably be inferred, and
- (b) proceedings against A in respect of A’s conduct are to be treated as begun when a warning notice is given to A under regulation 25.

(7) In relation to any time while a suspension is in force under paragraph (1)(a) in relation to part of a function, any reference in section 59 (approval for particular arrangements) or 63A (power to impose penalties) of the 2000 Act⁽¹⁾ to the performance of a function includes the performance of part of a function.

(8) If at any time a restriction imposed under paragraph (1)(b) is contravened, the approval in relation to the person concerned is to be treated for the purposes of sections 59 and 63A of the 2000 Act as if it had been withdrawn at that time.

(1) Section 59 was amended by sections 14 and 15 of the Financial Services Act 2012 and [S.I. 2012/1906](#). Section 63A was inserted by section 11 of the Financial Services Act 2012.