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## STATUTORY INSTRUMENTS

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# 2013 No. 1881

## The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013

### PART 8

#### Transitional provisions

#### CHAPTER 2

#### Licensing etc.

#### Revocation etc. of licence where no determination made before 1st April 2014

37.—(1) Paragraphs (3) to (5) apply if, before 1st April 2014—

- (a) the OFT had given a notice under section 27 of the 1974 Act (determination of applications) <sup>M1</sup> to a person (“A”) that it is minded to refuse A's application to renew A's standard licence,
- (b) the OFT had not determined to refuse to renew A's licence, and

A is a relevant person.

(2) Paragraphs (3) [<sup>F1</sup>to (5) also] apply if, before 1st April 2014—

- (a) the OFT had given a notice under section 32(2) of the 1974 Act (revocation of a standard licence) <sup>M2</sup> to a person (“A”),
- (b) the OFT had not determined to revoke A's licence under that section, and

A is a relevant person.

(3) The notice is to be treated as—

- (a) if A has Part 4A permission only by virtue of this Order, a warning notice given under section 55Z(1) <sup>M3</sup> of the Act by the FCA to A of the proposal by the FCA to cancel A's Part 4A permission (except for the purposes of [<sup>F2</sup>sections 387 (warning notices), 392(a) (application of sections 393 and 394), in so far as it applies to section 393 (third party rights), and 393 of the Act, which do not apply]);
- (b) in any other case, a written notice under section 55Y(4) of the Act of the proposal by the FCA to vary A's Part 4A permission (except for subsections (5) and (6) of section 55Y which do not apply).

(4) The notice has effect subject to any necessary modifications.

(5) If the period for making representations under section 34 of the 1974 Act in connection with that notice had not expired before 1st April 2014, subsections (1) and (2) of that section continue to apply as if—

- (a) in subsection (1), references to the OFT (apart from the first reference) were references to the FCA or, before 1st April 2014, the OFT;

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**Changes to legislation:** *The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, Section 37 is up to date with all changes known to be in force on or before 19 June 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) View outstanding changes*

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(b) in subsection (2), the reference to the OFT was to the FCA.

**Textual Amendments**

- F1** Words in art. 37(2) substituted (1.4.2014) by [The Financial Services and Markets Act 2000 \(Consumer Credit\) \(Transitional Provisions\) Order 2014 \(S.I. 2014/376\)](#), arts. 1, **4(2)**
- F2** Words in art. 37(3)(a) substituted (1.4.2014) by [The Financial Services and Markets Act 2000 \(Consumer Credit\) \(Transitional Provisions\) Order 2014 \(S.I. 2014/376\)](#), arts. 1, **4(3)**

**Marginal Citations**

- M1** Section 27 is applied for the purposes of applications to renew a licence by the 1974 Act, section 29.
- M2** Section 32 was amended by the Enterprise Act 2002, Schedule 25, paragraph 6(14), the Consumer Credit Act 2006, section 32(5) and (6), and the Financial Services Act 2012, section 108(2).
- M3** Section 55Z was inserted by the Financial Services Act 2012, section 11.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Order revoked by [2023 c. 29 Sch. 1 Pt. 2](#)