
STATUTORY INSTRUMENTS

2018 No. 1253

The Financial Services and Markets Act 2000
(Claims Management Activity) Order 2018

PART 3

Transitional provisions

CHAPTER 2

Authorisation and regulation of 2006 Act authorised persons

Applications for authorisation made to the Regulator: authorisation by the FCA

41.—(1) This article applies to an application under regulation 8 of the 2006 Regulations (application for authorisations) received by the Regulator before 1st April 2019, where on 1st April 2019—

- (a) the applicant (“A”) has not withdrawn the application; and
- (b) the Regulator has not given A a written instrument of authorisation in accordance with regulation 13(1) of the 2006 Regulations.

(2) Paragraphs (3) to (8) apply where the Regulator has not approved the grant of an authorisation to A.

(3) Where—

- (a) the conditions set out in paragraph (5) are met; and
- (b) immediately before 1st April 2019, A is a 2000 Act authorised person,

A’s application to the Regulator is to be treated as an application to the FCA under section 55H(1) of the 2000 Act (variation by FCA at request of authorised person) to vary A’s Part 4A permission by adding regulated claims management activity to the activities to which the permission relates.

(4) Where—

- (a) the conditions set out in paragraph (5) are met; and
- (b) immediately before 1st April 2019, A is not a 2000 Act authorised person,

A’s application to the Regulator is to be treated as an application to the FCA under section 55A(2) (application for permission) of the 2000 Act for permission to carry on regulated claims management activity.

(5) The conditions are that A—

- (a) submits to the FCA such further application form as may be specified in a direction given by the FCA; and

(b) pays to the FCA any further fee payable under its rules by any person making an application of a kind specified in paragraphs (3) or (4).

(6) If, before 1st April 2019, the Regulator notified A that the Regulator was minded to grant or refuse A's application, that fact is immaterial for the purposes of the determination of the application by the FCA.

(7) Section 55U(1) to (4)(3) of the 2000 Act (applications under Part 4A) does not apply to A's application.

(8) For the purposes of section 55V(4) of the 2000 Act (determination of applications) A's application is to be treated as if it had been received by the FCA on the date on which A met the conditions set out in paragraph (5).

(9) Paragraph (10) applies where—

- (a) the Regulator has on A's application approved the grant of an authorisation to A; and
- (b) A has not paid to the Regulator the fee referred to in regulation 13(1) of the 2006 Regulations.

(10) That fee is payable to the FCA, and on payment of that fee A is to be treated for the purposes of article 80 as if—

- (a) immediately before 1st April 2019, A was a 2006 Act authorised person; and
- (b) during the period referred to in paragraph (1)(b) of that article, A had notified the FCA of A's desire to be registered for temporary permission under that article and paid the fee payable by any person desiring to be so registered.

(3) Section 55U was inserted by the Financial Services Act 2012, section 11(2).

(4) Section 55V was inserted by the Financial Services Act 2012, section 11(2).