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STATUTORY INSTRUMENTS

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**2024 No. 107**

**The Data Reporting Services Regulations 2024**

**PART 3**

Administration and enforcement

CHAPTER 2

Application of FSMA 2000 for the purposes of the Regulations

**Application of Part 9 of FSMA 2000 (hearings and appeals)**

17.—(1) Part 9 of FSMA 2000<sup>(1)</sup> (hearings and appeals) applies with respect to proceedings pursuant to references to the Tribunal under these Regulations and under FSMA 2000 as applied by these Regulations (“relevant proceedings”) as it applies with respect to proceedings pursuant to references to the Tribunal under that Act, with the following modifications.

(2) Section 133 of FSMA 2000 (proceedings before the Tribunal: general provision) applies as if—

- (a) in subsection (1)—
  - (i) “(whether made under this or any other Act)” were omitted;
  - (ii) in paragraph (a) “or the PRA” were omitted;
  - (iii) paragraphs (b) and (c) were omitted;
- (b) subsection 1A were omitted;
- (c) in subsection (2) “, (b) or (c)” were omitted;
- (d) in subsection (5) the reference to section 393(11) were a reference to section 393(11) as applied by these Regulations;
- (e) subsection (5A) were omitted;
- (f) for subsection (7A) there were substituted—
  - “(7A) A reference is a “disciplinary reference” for the purposes of this section if it is in respect of either of the following decisions—
    - (a) a decision to publish a statement under section 312E as applied by regulation 19 of the Data Reporting Services Regulations 2024;
    - (b) a decision to impose a penalty under section 312F as applied by regulation 19 of the Data Reporting Services Regulations 2024.”.

(3) Section 133A of FSMA 2000 (proceedings before Tribunal: decision and supervisory notices, etc.) applies as if—

- (a) for subsection (1) there were substituted—

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<sup>(1)</sup> Part 9 was amended by section 23 of the Financial Services Act 2012, section 4 of the Financial Services (Banking Reform) Act 2013 (c. 33), paragraph 83 of Schedule 9 to the Crime and Courts Act 2013 (c. 22), section 49 of the Financial Services Act 2021 (c. 22), S.I. 2010/22, 2013/1388, 2014/3329, 2016/680, 2017/1064 and 2021/739.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“(1) In determining in accordance with section 133(5) (as applied by the Data Reporting Services Regulations 2024) a reference made as a result of a decision notice given by the FCA, the Tribunal may not direct the FCA to take action which it would not, under the Data Reporting Services Regulations 2024 or this Act as applied by those Regulations, have had power to take when giving the notice.”;

(b) in subsections (4) and (5) “(whether made under this or any other Act)” were omitted;

(c) in subsection (5) “or the PRA” were omitted.

(4) Section 133B of FSMA 2000 (offences) applies as if in subsection (1)—

(a) in paragraph (a) “or the PRA” were omitted;

(b) paragraphs (b) and (c) were omitted.