

**LEGAL CUTOVER (PASSPORTING) INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating or modifying a Relevant Instrument and the functions of making rules and issuing guidance.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced certain of the Financial Conduct Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.
- E. Article 2(1)(c) of the Early Commencement Order commenced certain of the Prudential Regulation Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.

**Interpretation**

1 In this Instrument (including the Recitals):

- (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
- (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
- (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
- (4) "the 2012 Act" means the Financial Services Act 2012;
- (5) "the Authority" means the Financial Services Authority;
- (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
- (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;
- (8) "Handbook" means the Authority's Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority's Handbook website at 11h59 pm on 27 February 2013;
- (9) "Relevant Instrument" has the meaning in section 119(6)(b) of the 2012 Act;

- (10) “FSA Instrument” means an instrument published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument;
- (11) “FCA Relevant Instrument” means a Relevant Instrument designated by the Financial Conduct Authority under paragraph 2; and
- (12) “PRA Relevant Instrument” means a Relevant Instrument designated by the Prudential Regulation Authority under paragraph 13 and excludes any Relevant Instrument falling within paragraph 14.

### **Designation of rules etc. by the Financial Conduct Authority**

- 2 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority designates the rules, guidance, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave, imposed or amended each part or provision of the Handbook, identified as:
  - (1) “Designated” in Column 2 of Annex A to this Instrument; and
  - (2) “FCA” or “FCA/PRA” in Column 3 of Annex A to this Instrument.
- 3 As required by Article 3(1)(c) and (d) of the Designation Order, the Financial Conduct Authority specifies that:
  - (1) The FCA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The FCA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The FCA Relevant instruments collectively are treated as made, issued, given or imposed by the Financial Conduct Authority under the corresponding provisions set out in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 4 In accordance with Article 2(2)(a) of the Designation Order, each FCA Relevant Instrument is treated as having been made, issued, given or imposed by the Financial Conduct Authority.

### **Modification of rules etc. by the Financial Conduct Authority**

- 5 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority modifies each FCA Relevant Instrument (or part of such instrument) as specified in Annex C to this Instrument.

### **Rules etc. made, given or amended by the Financial Conduct Authority**

- 6 In accordance with Article 2(1) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 9, the Financial Conduct Authority makes, amends, issues, gives, or imposes:

- (1) Each provision in Annex B to this Instrument;
  - (2) Each provision in Annex C to this Instrument that meets all of the conditions in paragraph 7; and
  - (3) Any amendment that is not a modification made in accordance with paragraph 5 specified in a provision in Annex C to this Instrument that meets all of the conditions in paragraph 8.
- 7 The conditions referred to in paragraph 6(2) are that a provision is:
- (1) Identified as “Made” in Column 2 of Annex A to this Instrument; and
  - (2) Identified as “FCA” or “PRA/FCA” in Column 3 of Annex A to this Instrument.
- 8 The conditions referred to in paragraph 6(3) are that a provision is:
- (1) identified as “Designated” in Column 2 of Annex D to this Instrument; and
  - (2) identified as “FCA” or “PRA/FCA” in Column 3 of Annex D to this Instrument,
- 9 The Financial Conduct Authority makes, amends, issues, gives or imposes the provisions in paragraph 6 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
- (1) Section 137A (The FCA’s general rules);
  - (2) Section 137T (General supplementary powers);
  - (3) Section 139A (Power of the FCA to give guidance); and
  - (4) paragraph 5(4) of Schedule 4 (Treaty Rights: Notice to UK regulator).
- 10 The rule-making powers in paragraph 9 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

**Commencement: Financial Conduct Authority**

- 11 As required by Article 3(1) of the Designation Order, the Financial Conduct Authority specifies that the designation (in paragraph 2) and the modification (in paragraph 5) of each FCA Relevant Instrument comes into effect on 1 April 2013.
- 12 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 2 and the modifications in paragraph 5.

**. Designation of rules etc. by the Prudential Regulation Authority**

- 13 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority designates the rules, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, gave or amended the part or provision of the Handbook identified as:

- (1) “Designated” in Column 2 of Annex A to this Instrument; and
  - (2) “PRA” or “FCA/PRA” in Column 3 of Annex A to this Instrument.
- 14 The designation by the Prudential Regulation Authority in paragraph 13 excludes any provision designated as guidance in an FSA Instrument.
- 15 As required by Article 3(1)(c) and (d) of the Designation Order, the Prudential Regulation Authority specifies that:
- (1) The PRA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The PRA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The PRA Relevant instruments collectively are treated as made, issued, given or imposed by the Prudential Regulation Authority under the corresponding provisions set out in column 3 of Parts 1 to 10 of Schedule A to this Instrument.
- 16 In accordance with Article 2(2)(a) of the Designation Order, each PRA Relevant Instrument is treated as having been made, issued, given or imposed by the Prudential Regulation Authority.
- . **Modification of rules etc. by the Prudential Regulation Authority**
- 17 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such instrument) as specified in Annex C to this Instrument.
- . **Rules etc. made, given or amended by the Prudential Regulation Authority**
- 18 In accordance with Article 2(1) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 21, the Prudential Regulation Authority makes, amends, issues, gives, or imposes:
- (1) Each provision in Annex B to this Instrument; and
  - (2) Each provision in Annex C to this Instrument that meets all of the conditions in paragraph 19; and
  - (3) any amendment that is not a modification made in accordance with paragraph 16 specified in a provision in Annex C to this Instrument that meets all of the conditions in paragraph 20.
- 19 The conditions referred to in paragraph 18(2) are that a provision is:
- (1) Identified as “Made” in Column 2 of Annex A to this Instrument; and
  - (2) Identified as “PRA” or “PRA/FCA” in Column 3 of Annex A to this Instrument.

- 20 The conditions referred to in paragraph 18(3) are that a provision is:
- (1) identified as “Designated” in Column 2 of Annex A to this Instrument; and
  - (2) identified as “PRA” or “PRA/FCA” in Column 3 of Annex A to this Instrument,
- 21 The Prudential Regulation Authority makes, amends, gives, issues or imposes the provisions in paragraph 18 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
- (1) Section 137G (The PRA’s general rules);
  - (2) Section 137T (General supplementary powers); and
  - (3) paragraph 5(4) of Schedule 4 (Treaty Rights: Notice to UK regulator).
- 22 The rule-making powers in paragraph 21 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.
23. The Prudential Regulation Authority gives each provision in Annex C to this Instrument identified as “PRA” or “FCA/PRA” that is marked (in that Annex) with a G as guidance.

**Commencement: Prudential Regulation Authority**

24. As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the designations (in paragraph 13) and the modifications (in paragraph 17) of each PRA Relevant Instrument comes into effect on 1 April 2013.
25. The Prudential Regulation Authority directs that the provisions of paragraph 18 of this Instrument come into force on 1 April 2013.
26. The Prudential Regulation Authority directs that paragraph 18 this Instrument come into force immediately after the coming into force of the designations in paragraph 13 and the modifications in paragraph 17.

**Amendments to the Handbooks**

27. The modules of the FCA’s and PRA’s Handbooks of rules and guidance listed in column (1) below are amended in accordance with the Annexes to this Instrument listed in column (2).

(1)	(2)
Glossary of definitions	Annex B
Supervision manual (SUP)	Annex C

**Citation**

28. This Instrument may be cited as the Legal Cutover (Passporting) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

19 March 2013

**By order of the Board of the Prudential Regulation Authority**

19 March 2013

**Annex A**

**Designation of the Supervision Manual (SUP)**

In addition to identifying provisions Designated or Made by this Instrument, Column 2 also identifies, for convenience and without operative effect, those provisions of the Handbook that will no longer have effect after “legal cutover”.

(1)	(2)	(3)
<b>Handbook Provision</b>	<b>Made, designated or no longer in force after legal cutover</b>	<b>Relevant regulator</b>
SUP 13.1.1	designated	FCA and PRA
SUP 13.1.2	designated	FCA and PRA
SUP 13.1.3	designated	FCA and PRA
SUP 13.1.3A	designated	FCA
SUP 13.1.4	designated	FCA and PRA
SUP 13.1.5	designated	FCA and PRA
SUP 13.1.6	designated	FCA and PRA
SUP 13.2.1	designated	FCA and PRA
SUP 13.2.2	designated	FCA and PRA
SUP 13.2.3	designated	FCA and PRA
SUP 13.2.4	made	FCA and PRA
SUP 13.3.1	designated	FCA and PRA
SUP 13.3.2	designated	FCA and PRA
SUP 13.3.2A	designated	FCA and PRA
SUP 13.3.2B	designated	FCA and PRA
SUP 13.3.2C	designated	FCA
SUP 13.3.2D	designated	FCA and PRA
SUP 13.3.2E	designated	PRA

SUP 13.3.3	designated	PRA
SUP 13.3.3A	designated	PRA
SUP 13.3.4	no longer in force	
SUP 13.3.4A	no longer in force	
SUP 13.3.5	designated	FCA and PRA
SUP 13.3.5A	made	FCA and PRA
SUP 13.3.6	designated	FCA and PRA
SUP 13.3.7	designated	FCA and PRA
SUP 13.3.7A	made	FCA
SUP 13.3.8	designated	FCA
SUP 13.4.1	designated	FCA and PRA
SUP 13.4.2	designated	FCA and PRA
SUP 13.4.2A	designated	FCA and PRA
SUP 13.4.2B	designated	FCA
SUP 13.4.2C	designated	FCA and PRA
SUP 13.4.2D	designated	FCA and PRA
SUP 13.4.2E	designated	PRA
SUP 13.4.3	no longer in force	
SUP 13.4.3A	no longer in force	
SUP 13.4.4	designated	FCA and PRA
SUP 13.4.4A	made	FCA and PRA
SUP 13.4.5	designated	FCA and PRA
SUP 13.4.6	designated	PRA
SUP 13.4.7	designated	FCA
SUP 13.5.1	designated	FCA and PRA
SUP 13.5.1A	designated	PRA



SUP 13.5.1AA	designated	FCA
SUP 13.5.1B	designated	FCA and PRA
SUP 13.5.2	designated	FCA and PRA
SUP 13.5.2A	designated	FCA
SUP 13.5.3	designated	FCA and PRA
SUP 13.5.3A	made	PRA
SUP 13.5.4	designated	FCA and PRA
SUP 13.5.4A	no longer in force	
SUP 13.5.5	designated	FCA and PRA
SUP 13.5.6	designated	PRA
SUP 13.5.7	designated	FCA and PRA
SUP 13.6.1	designated	FCA and PRA
SUP 13.6.2	designated	FCA and PRA
SUP 13.6.3	designated	FCA and PRA
SUP 13.6.4	designated	FCA and PRA
SUP 13.6.5	designated	FCA and PRA
SUP 13.6.5A	designated	FCA and PRA
SUP 13.6.5B	designated	FCA and PRA
SUP 13.6.6	designated	PRA
SUP 13.6.7	designated	PRA
SUP 13.6.8	designated	PRA
SUP 13.6.9	designated	PRA
SUP 13.6.9A	designated	FCA and PRA
SUP 13.6.9B	designated	PRA
SUP 13.6.10	designated	FCA and PRA
SUP 13.6.11	designated	FCA and PRA

SUP 13.6.12	designated	FCA and PRA
SUP 13.6.12A	made	FCA and PRA
SUP 13.6.13	designated	PRA
SUP 13.6.14	designated	PRA
SUP 13.6.15	designated	FCA and PRA
SUP 13.6.16	designated	FCA and PRA
SUP 13.6.17	designated	FCA and PRA
SUP 13.7.1	designated	FCA and PRA
SUP 13.7.2	designated	FCA and PRA
SUP 13.7.3	designated	FCA
SUP 13.7.3A	designated	FCA and PRA
SUP 13.7.3B	designated	FCA and PRA
SUP 13.7.4	designated	PRA
SUP 13.7.5	designated	PRA
SUP 13.7.6	designated	PRA
SUP 13.7.6A	designated	FCA and PRA
SUP 13.7.7	designated	PRA
SUP 13.7.7A	made	FCA and PRA
SUP 13.7.8	designated	PRA
SUP 13.7.9	designated	PRA
SUP 13.7.10	designated	PRA
SUP 13.7.11	designated	FCA and PRA
SUP 13.7.12	designated	PRA
SUP 13.7.13A	made	FCA and PRA
SUP 13.8.1	designated	FCA and PRA
SUP 13.8.1A	designated	FCA and PRA

SUP 13.8.1B	made	PRA
SUP 13.8.2	designated	PRA
SUP 13.10.1	designated	FCA and PRA
SUP 13.10.2	designated	PRA
SUP 13.10.3	designated	FCA and PRA
SUP 13.11.1	designated	FCA and PRA
SUP 13.11.2	designated	FCA and PRA
SUP 13.11.3	designated	FCA and PRA
SUP 13.12.1	designated	FCA and PRA
SUP 13.12.2	designated	FCA and PRA
SUP 13 Annex 1	designated	FCA and PRA
SUP 13 Annex 2	designated	FCA and PRA
SUP 13 Annex 3	designated	PRA
SUP 13 Annex 4	designated	PRA
SUP 13 Annex 5	designated	FCA and PRA
SUP 13 Annex 6	designated	FCA and PRA
SUP 13 Annex 7	designated	FCA
SUP 13A.1.1	designated	FCA and PRA
SUP 13A .1.2	designated	FCA and PRA
SUP 13A.1.3	designated	FCA and PRA
SUP 13A.1.4	designated	FCA and PRA
SUP 13A.1.5	designated	FCA and PRA
SUP 13A.2.1	designated	FCA and PRA
SUP 13A.2.2	designated	FCA and PRA
SUP 13A.3.1	designated	FCA and PRA
SUP 13A.3.1A	designated	FCA and PRA

SUP 13A.3.1B	designated	PRA
SUP 13A.3.1C	designated	FCA
SUP 13A.3.1D	made	FCA
SUP 13A.3.2	designated	FCA and PRA
SUP 13A.3.3	designated	FCA and PRA
SUP 13A.3.4	designated	FCA and PRA
SUP 13A.3.5	designated	FCA and PRA
SUP 13A.3.6	designated	FCA and PRA
SUP 13A.3.6A	made	FCA and PRA
SUP 13A.3.7	designated	FCA and PRA
SUP 13A.3.8	designated	FCA and PRA
SUP 13A.3.9	designated	FCA and PRA
SUP 13A.3.10	designated	FCA and PRA
SUP 13A.3.11	designated	PRA
SUP 13A.3.12	designated	FCA
SUP 13A.3.13	designated	FCA
SUP 13A.3.14	designated	FCA
SUP 13A.4.1	designated	FCA and PRA
SUP 13A.4.1A	designated	FCA
SUP 13A.4.2	designated	FCA
SUP 13A.4.3	designated	FCA and PRA
SUP 13A.4.3A	designated	FCA and PRA
SUP 13A.4.4	designated	FCA and PRA
SUP 13A.4.4A	made	FCA and PRA
SUP 13A.4.5	designated	FCA
SUP 13A.4.6	designated	FCA

SUP 13A.5.1	designated	FCA and PRA
SUP 13A.5.2	designated	FCA and PRA
SUP 13A.5.3	designated	FCA and PRA
SUP 13A.5.4	designated	FCA and PRA
SUP 13A.5.4A	made	FCA and PRA
SUP 13A.5.5	designated	FCA and PRA
SUP 13A.6.1	designated	FCA and PRA
SUP 13A.6.2	designated	FCA and PRA
SUP 13A.6.3	designated	FCA and PRA
SUP 13A.6.4	designated	FCA and PRA
SUP 13A.6.5	designated	FCA and PRA
SUP 13A.7.1	designated	FCA and PRA
SUP 13A.7.2	designated	FCA and PRA
SUP 13A.7.3	no longer in force	
SUP 13A.7.4	designated	FCA and PRA
SUP 13A.8.1	designated	FCA and PRA
SUP 13A.9	no longer in force	
SUP 13A Annex 1	designated	FCA and PRA
SUP 13A Annex 2	designated	FCA and PRA
SUP 13A Annex 3R	designated	FCA
SUP 13A Annex 4R	designated	FCA
SUP 14.1.1	designated	FCA and PRA
SUP 14.1.2	designated	FCA and PRA
SUP 14.1.3	designated	FCA and PRA
SUP 14.1.4	designated	FCA and PRA
SUP 14.1.5	designated	FCA and PRA

SUP 14.1.6	designated	FCA and PRA
SUP 14.1.7	designated	FCA and PRA
SUP 14.1.8	made	FCA and PRA
SUP 14.1.9	designated	FCA and PRA
SUP 14.2.1	designated	FCA and PRA
SUP 14.2.2	designated	FCA and PRA
SUP 14.2.3	designated	FCA and PRA
SUP 14.2.4	designated	FCA and PRA
SUP 14.2.5	designated	PRA
SUP 14.2.6	designated	PRA
SUP 14.2.7	designated	PRA
SUP 14.2.8	designated	FCA and PRA
SUP 14.2.9	designated	FCA and PRA
SUP 14.2.10	designated	FCA and PRA
SUP 14.2.11	designated	FCA and PRA
SUP 14.2.12	designated	FCA and PRA
SUP 14.2.13	designated	FCA and PRA
SUP 14.3.1	designated	FCA and PRA
SUP 14.3.2	designated	FCA and PRA
SUP 14.3.3	designated	FCA
SUP 14.3.3A	no longer in force	
SUP 14.3.4	designated	FCA and PRA
SUP 14.3.4A	designated	FCA
SUP 14.3.4B	designated	FCA
SUP 14.3.4C	designated	FCA
SUP 14.3.4D	designated	FCA and PRA

SUP 14.3.5	designated	PRA
SUP 14.3.6	designated	PRA
SUP 14.3.7	designated	PRA
SUP 14.4.1	designated	FCA and PRA
SUP 14.4.1A	made	FCA
SUP 14.4.1B	made	PRA
SUP 14.5.1	designated	FCA and PRA
SUP 14.5.2	designated	FCA and PRA
SUP 14.6.1	designated	FCA and PRA
SUP 14.6.2	designated	FCA and PRA
SUP 14.6.3	designated	FCA and PRA
SUP 14.6.3A	designated	FCA
SUP 14.6.3B	designated	FCA
SUP 14.6.4	designated	PRA
SUP 14.6.5	designated	PRA
SUP 14.6.6	designated	PRA
SUP 14.6.7	designated	PRA
SUP 14.6.8	designated	PRA
SUP 14.6.9	designated	FCA and PRA
SUP 14.6.10	designated	FCA and PRA
SUP 14.6.11	designated	FCA
SUP 14.7.1	designated	FCA and PRA
SUP 14.8.1	designated	FCA and PRA

## Annex B

### Amendments to the Glossary of definitions

In this Annex, underlining indicates new text and striking through indicates deleted text..

- appropriate UK regulator
- (1) in relation to an EEA firm (in accordance with Schedule 3 paragraph 13(4) and 14(4) to the Act), whichever of the FCA or PRA is the competent authority for the purposes of the relevant Single Market Directive;
  - (2) in relation to a UK firm (in accordance with Schedule 3 paragraph 18A to the Act),
    - (a) the PRA, where the firm is a PRA-authorised person; and
    - (b) in any other case, the FCA;
  - (3) in relation to a Treaty firm (in accordance with section 35(2A) of the Act),
    - (a) in the case of a PRA-authorised person, the PRA; and
    - (b) in any other case, the FCA.
- service conditions
- in accordance with paragraph 14 of Schedule 3 to the Act (EEA Passport Rights)) the conditions that:
- ...
- (b) if the firm falls within paragraph (a), (d), (e) or (f) in the definition of "EEA firm", the ~~FSA~~ appropriate UK regulator has received notice from the firm's Home State regulator containing such information as may be prescribed;
  - (c) if the firm falls within paragraph (d) of that definition, its Home State regulator has informed it that the regulator's notice has been sent to the ~~FSA~~ PRA; and
  - (d) if the firm falls within paragraph (e) of that definition, one month has elapsed beginning with the date on which the firm's Home State regulator informed the firm that it had sent the regulator's notice to the ~~FSA~~ appropriate UK regulator.



## Annex C

### Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 13 Exercise of passport rights by UK firms

...

##### 13.2 Introduction

...

13.2.3 G In some circumstances, a *UK firm* that is carrying on business which is outside the scope of the *Single Market Directives* has a right under the *Treaty* to carry on that business. For example, for an *insurer* carrying on both direct insurance and *reinsurance* business, the ~~authorisation~~ authorisation of *reinsurance* business is not covered by the *Insurance Directives*. The *firm* may, however, have rights under the *Treaty* in respect of its *reinsurance* business. Such *UK firms* may wish to consult with the ~~FSA~~ appropriate UK regulator on their particular circumstances (see SUP 13.12.2G).

13.2.4 G In SUP 13 the “appropriate UK regulator” amounts to whichever of the FCA and the PRA is the competent authority for authorising the relevant UK firm.  
[FCA/  
PRA]

##### 13.3 Establishing a branch in another EEA State

...

The conditions for establishing a branch

13.3.2 G A *UK firm* other than a *UK pure reinsurer* cannot establish a *branch* in another *EEA State* for the first time under an *EEA right* unless the conditions in paragraphs 19(2), (4) and (5) of Part III of Schedule 3 to the *Act* are satisfied. It is an offence for a *UK firm* which is not an *authorised person* to contravene this prohibition (paragraph 21 of Part III of Schedule 3 to the *Act*). These conditions are that:

(1) the *UK firm* has given the ~~FSA~~ appropriate UK regulator, in accordance with the ~~FSA~~ appropriate UK regulator’s rules (see SUP 13.5.1R), notice of its intention to establish a *branch* (known as a *notice of intention*) which :

(a) identifies the activities which it seeks to carry on through the

*branch*; and

- (b) includes such other information as may be specified by the *FSA appropriate UK regulator* (see *SUP 13.5.1R*);
- (2) the *FSA appropriate UK regulator* has given notice (known as a *consent notice*) to the *Host State regulator*;
- (2A) if the *UK firm's EEA right* relates to providing *collective portfolio management services*, the *FSA FCA* has provided to the *Host State regulator*:  
...
- (3) (a) if the *UK firm's EEA right* derives from the *Insurance Mediation Directive* one month has elapsed beginning on the date on which the *UK firm* received notice that the *FSA appropriate UK regulator* had given a *consent notice* as described in *SUP 13.3.6G(1)* (see *SUP 13.3.2AG*);  
  
(b) in any other case:
  - (i) the *Host State regulator* has notified the *UK firm* (or, where the *UK firm* is passporting under the *Insurance Directives*, the *FSA PRA*) of the *applicable provisions* or, in the case of a *UK firm* passporting under *MiFID* or the *UCITS Directive*, that the *branch* may be established; or
  - (ii) two months have elapsed beginning with the date on which the *FSA appropriate UK regulator* gave the *consent notice*.

- 13.3.2A G If the *UK firm* is passporting under the *Insurance Mediation Directive* and the *EEA State* in which the *UK firm* is seeking to establish a *branch* has not notified the European Commission of its wish to be informed of the intention of *persons* to establish a *branch* in its territory in accordance with article 6(2) of that directive, *SUP 13.3.2G(2)* and *SUP 13.3.2G(3)* do not apply. Accordingly, the *UK firm* may establish the *branch* to which its *notice of intention* relates as soon as the conditions referred to in *SUP 13.3.2G(1)* are satisfied. The list of *EEA States* that have notified the European Commission of their wish to be informed in accordance with article 6(2) of the *Insurance Mediation Directive* is published on the *FSA's FCA's* website at [www.fca.org.uk](http://www.fca.org.uk).
- 13.3.2B G An *appointed representative* appointed by a *firm* to carry on *insurance mediation activity* on its behalf may establish a *branch* in another *EEA State* under the *Insurance Mediation Directive*. In this case, the *notice of intention* in *SUP 13.3.2G(1)* should be given to the *FSA appropriate UK regulator* by the *firm* on behalf of the *appointed representative*.
- 13.3.2C G An *exempt professional firm* which is included in the record of *unauthorised persons* carrying on *insurance mediation activity* maintained by the *FSA*

[FCA] *FCA* under article 93 of the *Regulated Activities Order* may establish a *branch* in another *EEA State* under the *Insurance Mediation Directive* (see *PROF 7.2*).

...

13.3.3 G Where the *UK firm* is passporting under the *Insurance Directives* and the  
[PRA] *Host State regulator* has notified the *FSA PRA* of the *applicable provisions*, then under paragraph 19(9) of Part III of Schedule 3 to the *Act*, the *FSA PRA* is required to inform the *firm* of these provisions.

13.3.3A G (1) ...  
[PRA]

(2) Under section 3 of Part III of the *General Protocol*, *Home State regulators* have agreed to inform *Host State regulators* if a *pure reinsurer* for which the *Home State* is responsible carries on business through a *branch* in the *Host State*. Therefore *SUP 13.5.1AR* requires a *UK firm* passporting under the *Reinsurance Directive* to notify the *FSA PRA* of certain information relating to the *branch*.

...

#### Issue of a consent notice to the Host State regulator

13.3.5 G (1) If the *UK firm's EEA right* derives from the *Banking Consolidation Directive* or *MiFID*, the *FSA appropriate UK regulator* will give the  
[FCA/ *Host State regulator* a *consent notice* within three *months* unless it  
PRA] has reason to doubt the adequacy of a *UK firm's* resources or its administrative structure. The *Host State regulator* then has a further two *months* to notify the *applicable provisions* (if any) and prepare for the supervision, as appropriate, of the *UK firm*, or in the case of a *MiFID investment firm*, to inform the *UK firm* that a *branch* can be established.

(1A) If the *UK firm's EEA right* derives from the *UCITS Directive*, the *FSA FCA* will give the *Host State regulator* a *consent notice* within two *months* unless it has reason to doubt the adequacy of the *UK firm's* resources or its administrative structure. The *Host State regulator* then has a further two *months* to prepare for the supervision of the *UK firm*.

(2) (a) If the *UK firm's EEA right* derives from the *Insurance Directives*, the *FSA PRA* will give the *Host State regulator* a *consent notice* within three *months* unless it has reason to:

...

(b) In assessing the matters in (2)(a), the *FSA PRA* may, in particular, seek further information from the *firm* or require a report from a *skilled person* (see *SUP 5* (skilled persons)).

- (c) If the FSA PRA has required a financial recovery plan of a *UK firm* of the kind mentioned in paragraph 1 of article 38 of the *Consolidated Life Directive* or paragraph 1 of article 20a of the *First Non-Life Directive*, the FSA PRA will not give a *consent notice* for so long as it considers that *policyholders* are threatened within the meaning of those provisions.
- (d) If the *UK firm's EEA right* derives from the *Insurance Mediation Directive* and *SUP 13.3.2G(2)* applies, the FSA appropriate UK regulator will give the *Host State regulator* a *consent notice* within one *month* of the date on which it received the *UK firm's notice of intention*. In cases where *SUP 13.3.2G(2)* does not apply (see *SUP 13.3.2AG*), the *UK firm* may establish a *branch* as soon as it satisfies the conditions referred to in *SUP 13.3.2G*.

13.3.5A G Where the PRA is the appropriate UK regulator, it will consult the FCA before deciding whether to give a consent notice, except where paragraph 19(7A) of Part III of Schedule 3 to the Act applies. Where the FCA is the appropriate UK regulator, it will consult the PRA before deciding whether to give a consent notice in relation to a UK firm whose immediate group includes a PRA-authorised person.  
[FCA/  
PRA]

13.3.6 G (1) If the FSA appropriate UK regulator gives a *consent notice*, it will inform the *UK firm* in writing that it has done so.  
[FCA/  
PRA]

...

(3) Where a *consent notice* is given under the *UCITS Directive*, the FSA FCA will at the same time:

...

13.3.7 G (1) If the FSA appropriate UK regulator proposes to refuse to give a *consent notice*, then paragraph 19(8) of Part III of Schedule 3 to the *Act* requires the FSA appropriate UK regulator to give the *UK firm* a *warning notice*.  
[FCA/  
PRA]

(2) If the FSA appropriate UK regulator decides to refuse to give a *consent notice*, then paragraph 19(12) of Part III of Schedule 3 to the *Act* requires the FSA appropriate UK regulator to give the *UK firm* a *decision notice* within three *months* of the date on which it received the *UK firm's notice of intention* (two *months* in the case of a *UK firm* which is a *UCITS management company*). The *UK firm* may refer the matter to the *Tribunal*.

(3) ~~For details of the FSA's procedures for the giving of warning notices or decision notices see DEPP 2 (Statutory notices and the allocation of decision-making). [deleted]~~

13.3.7A G For details of the *FCA's* procedures for the giving of *warning notices* or  
[FCA] decision notices see *DEPP 2* (Statutory notices and the allocation of decision  
making).

...

#### 13.4 Providing cross border services into another EEA State

...

The conditions for providing cross border services into another EEA State

13.4.2 G A *UK firm*, other than a *UK pure reinsurer*, cannot start providing *cross*  
[FCA / *border services* into another *EEA State* under an *EEA right* unless it satisfies  
PRA] the conditions in paragraphs 20(1) of Part III of Schedule 3 to the *Act* and, if  
it derives its *EEA right* from the *Insurance Directives*, paragraph 20(4B) of  
Part III of Schedule 3 to the *Act*. It is an offence for a *UK firm* which is not  
an *authorised person* to breach this prohibition (paragraph 21 of Part III of  
Schedule 3 to the *Act*). The conditions are that:

- (1) the *UK firm* has given the *FSA appropriate UK regulator*, in the way specified by *FSA the appropriate UK regulator's rules* (see *SUP 13.5.2R*), notice of its intention to provide *cross border services* (known as a *notice of intention*) which:
  - (a) identifies the activities which it seeks to carry on by way of provision of *cross border services*; and
  - (b) includes such other information as may be specified by the *FSA appropriate UK regulator* (see *SUP 13.5.2R*); and
- (2) if the *UK firm* is passporting under the *Insurance Directives*, the *firm* has received written notice from the *FSA PRA* as described in *SUP 13.4.6G*; or
- (3) if the *UK firm* is passporting under the *Insurance Mediation Directive* and the *EEA State* in which the *UK firm* is seeking to provide services has notified the European Commission of its wish to be informed of the intention of *persons* to provide *cross border services* in its territory in accordance with article 6(2) of that directive, one *month* has elapsed beginning with the date on which the *UK firm* received written notice from the *FSA appropriate UK regulator* as described in *SUP 13.4.5G* (paragraph 20 (3B)(c) of Schedule 3 to the *Act*).

13.4.2A G An *appointed representative* appointed by a *firm* to carry on *insurance*  
[FCA / *mediation activity* on its behalf may provide *cross border services* in another  
PRA] *EEA State* under the *Insurance Mediation Directive*. In this case, the *notice of intention* in *SUP 13.4.2G*(1) should be given to the *FSA appropriate UK regulator* by the *firm* on behalf of the *appointed representative*.

13.4.2B G An *exempt professional firm* which is included in the record of *unauthorised*  
[FCA] *persons* carrying on *insurance mediation activity* maintained by the *FSA*  
*FCA* under article 93 of the *Regulated Activities Order* may provide *cross*  
*border services* in another *EEA State* under the *Insurance Mediation*  
*Directive* (see *PROF 7.2*).

...

Issuing a consent notice or notifying the Host State regulator

13.4.4 G (1) If the *UK firm's EEA right* derives from *MiFID*, the *Banking*  
[FCA/  
PRA] *Consolidation Directive* or the *UCITS Directive*, paragraph 20(3) of  
Part III of Schedule 3 to the *Act* requires the *FSA appropriate UK*  
*regulator* to send a copy of the *notice of intention* to the *Host State*  
*Regulator* within one *month* of receipt. A *UK firm* passporting under  
the *Banking Consolidation Directive* may start providing *cross*  
*border services* as soon as it satisfies the relevant conditions (see  
*SUP 13.4.2G*).

(2) (a) If the *UK firm's EEA right* derives from the *Insurance*  
*Directives*, paragraph 20(3A) of Part III of Schedule 3 to the  
*Act* requires the *FSA PRA*, within one *month* of receiving the  
*notice of intention*, to:

...

(b) The issue or refusal of a *consent notice* under paragraph  
20(3A) of Part III of Schedule 3 to the *Act* is the consequence  
of a regulatory decision, and this *consent notice* (unlike the  
*consent notice* for establishment of a *branch*) is not a *statutory*  
*notice* as set out in section 395 of the *Act*. A *UK firm* that  
receives notice that the *FSA PRA* refuses to give a *consent*  
*notice* may refer the matter to the *Tribunal* under paragraph  
20(4A) of Part III of Schedule 3 to the *Act*.

(c) If the *FSA PRA* has required of a *UK firm* a financial recovery  
plan of the kind mentioned in paragraph 1 of article 38 of the  
*Consolidated Life Directive* or paragraph 1 of article 20a of  
the *First Non-Life Directive*, the *FSA PRA* will not give a  
*consent notice* for so long as it considers that *policyholders'*  
rights are threatened within the meaning of those provisions.

(2A) (a) If the *UK firm's EEA right* derives from the *Insurance*  
*Mediation Directive*, and the *EEA State* in which the *UK firm*  
is seeking to provide services has notified the European  
Commission of its wish to be informed of the intention of  
*persons* to provide *cross border services* in its territory in  
accordance with article 6(2) of that directive, paragraph  
20(3B)(a) of Part III of Schedule 3 to the *Act* requires the *FSA*  
*appropriate UK regulator* to send a copy of the *notice of*  
*intention* to the *Host State regulator* within one *month* of

receipt. Otherwise, the *UK firm* may start providing *cross border services* as soon as it satisfies the relevant conditions (see *SUP* 13.4.2G).

- (b) The list of the *EEA States* that have notified the European Commission of their wish to be informed in accordance with article 6(2) of the *Insurance Mediation Directive* is published on the ~~FSA~~ FCA's website at [www.fca.org.uk](http://www.fca.org.uk).

- (2B) Where a *consent notice* is given under the *UCITS Directive*, the ~~FSA~~ FCA will at the same time:

...

13.4.4A G Where the *PRA* is the *appropriate UK regulator*, it will consult the *FCA* before deciding whether to give a consent notice and where the *FCA* is the *appropriate UK regulator*, it will consult the *PRA* before deciding whether to give a consent notice in relation to a *UK firm* whose immediate group includes a *PRA-authorised person*.  
[FCA/  
PRA]

13.4.5 G When the ~~FSA~~ *appropriate UK regulator* sends a copy of a *notice of intention*, or if it gives a *consent notice* to the *Host State regulator*, it must inform the *UK firm* in writing that it has done so (paragraphs 20(3B)(b) and (4) of Schedule 3 to the *Act*).  
[FCA/  
PRA]

Applicable provisions for cross border services

13.4.6 G ...  
[PRA]

- (2) If the *UK firm* is passporting under the *Insurance Directives*, then the *Host State regulator* may notify the ~~FSA~~ PRA if there are any ~~applicable provisions~~ *applicable provisions*. If so, the ~~FSA~~ PRA will inform the *UK firm* of the *applicable provisions*.

...

## 13.5 Notices of intention

...

Specified contents: notice of intention to provide cross border services

...

13.5.2- R (1) A *UK firm* wishing to provide a service into a particular *EEA State* for the first time under the *auction regulation* must inform the ~~FSA~~ *appropriate UK regulator* of the information in (2) by email to ~~emissionstrading@fsa.gov.uk~~ emissionstrading@fca.org.uk prior to its provision of that service or whenever possible thereafter.  
A  
[FCA]

- (2) The information required by (1) is:
- (a) name of the *firm* and the *FSA firm* reference number;

...

...

#### Method of submission of notices

13.5.3 R (1) A *UK firm*, other than a *credit union*, must submit any notice under [FCA/ PRA] SUP 13.5.1R (1), SUP 13.5.1AR or SUP 13.5.2R online at ~~www.fsa.gov.uk~~ [www.fca.org.uk](http://www.fca.org.uk) using the *FSA's* ONA system.

...

- (2) ~~A *credit union* must submit any notice under SUP 13.5.1R(1), SUP 13.5.1AR or SUP 13.5.2R in the way set out in SUP 15.7.4R to SUP 15.7.9G (Form and method of notification).~~ [deleted]

...

- (3) Where a *firm* is obliged to submit a notice in accordance with (1), if the *FSA's* information technology systems fail and online submission is unavailable for 24 hours or more, until such time as facilities for online submission are restored, a *firm* must submit that notice in the way set out in SUP 15.7.4R to SUP 15.7.9G (Form and method of notification).

...

13.5.3A G A *credit union* must submit any notice under SUP 13.5.1R(1), SUP 13.5.1AR [PRA] or SUP 13.5.2R in the way set out in SUP 15.7.4R to SUP 15.7.9G (Form and method of notification).

13.5.4 G (1) If the *FSA's* information technology systems fail and online [FCA/ PRA] submission is unavailable for 24 hours or more, the *FSA* appropriate UK regulator will endeavour to publish a notice on its website confirming that online submission is unavailable and that the alternative methods of submission set out in SUP 13.5.3R(3) and SUP 15.7.4R to SUP 15.7.9G (Form and method of notification) should be used.

...

...

#### Translations

13.5.6 G (1) A *UK firm* passporting under the *Banking Consolidation Directive*, [PRA] the *Insurance Directives* or the *Reinsurance Directive* may have to submit the *requisite details* or relevant details in the language of the



*Host State* as well as in English. For a *UK firm* passporting under the *Insurance Directives* this translated document will not include the relevant UK details. Further information is available from the ~~Passport Notifications Unit~~ PRA authorisations team.

- (2) A *UK firm* may wish to discuss with the ~~Passport Notifications Unit~~ PRA authorisations team the appropriate time for providing the translations in (1), given that further information or clarification of the details provided may be required by the ~~FSA~~ PRA.

...

### 13.6 Changes to branches

...

- 13.6.3 G *UK firms* should also note that changes to the details of *branches* may lead to changes to the *applicable provisions* to which the *UK firm* is subject. These changes should be communicated to the *UK firm* either by the *Host State regulator*, or, if the *firm* is passporting under *Insurance Directives*, via the ~~FSA~~ PRA.

Firms passporting under the Banking Consolidation Directive and the UCITS Directive.

...

- 13.6.5 G Where the change arises from circumstances within the control of the *UK firm*, the requirements in regulation 11(2) are that:

- (1) the *UK firm* has given notice to the ~~FSA~~ appropriate UK regulator and to the *Host State regulator* stating the details of the proposed change;
- (2) the ~~FSA~~ appropriate UK regulator has given the *Host State regulator* a notice informing it of the details of the change; and

...

Firms passporting under MiFID

...

- 13.6.5B G The requirements of regulation 11A(2) are that:

- (1) the *UK firm* has given a notice to the ~~FSA~~ appropriate UK regulator stating the details of the proposed change; and

...

#### Firms passporting under the Insurance Directives

...

- 13.6.7 [PRA] G Where the change arises from circumstances within the control of the *UK firm*, the requirements in regulation 13(2) are that:
- (1) the *UK firm* has given notice to the *FSA PRA* and to the *Host State regulator* stating the details of the proposed change;
  - (2) the *FSA PRA* has given the *Host State regulator* a notice informing it of the details of the proposed change;
  - (3) the period of at least one *month* beginning on the day on which the *UK firm* gave the *FSA PRA* the notice in (1) has elapsed; and
  - (4) either:
    - (a) a further period of one *month* has elapsed; or
    - (b) the *FSA PRA* has informed the *UK firm* of any consequential changes in the ~~applicable provisions~~ *applicable provisions* of which the *FSA PRA* has been notified by the *Host State regulator*.
- 13.6.8 [PRA] G If a *UK firm* has exercised an *EEA right* under the *Insurance Directives* and established a *branch* in another *EEA State*, regulation 15(1) states that the *UK firm* cannot make a change in any of the *relevant UK details* unless the *UK firm* has given a notice to the *FSA PRA* stating the details of the proposed change at least one *month* before the change is effected.
- 13.6.9 [PRA] G Where a *UK firm* with ~~*Part IV permission*~~ *Part 4A permission* to carry on both *long-term* and *general insurance business*, is passporting under the *Insurance Directives* and wishes to extend its *general insurance business* to include *long term insurance business* (or vice versa), it should complete a new *notice of intention* and not a change to details notice .

...

#### Firms passporting under the Reinsurance Directive

- 13.6.9B [PRA] R A *UK firm* exercising its *EEA right* under the *Reinsurance Directive* to establish a *branch* in another *EEA State* must notify the *FSA PRA* of any changes in the information specified in *SUP 13 Annex 1R*. Whenever possible, this notification must be made as soon as the change in information is known by the *firm*.

#### Changes arising from circumstances beyond the control of a UK firm

- 13.6.10 G (1) If the change arises from circumstances beyond the *UK firm's* control, [FCA/ PRA] the *UK firm*:
- (a) is required by regulation 11(3) or regulation 13(3) to give a notice to the *FSA appropriate UK regulator* and to the *Host State regulator* stating the details of the change as soon as reasonably practicable;
  - (b) may, if it is passporting under the *Insurance Directives*, make a change to its *relevant UK details* under regulation 15(1) if it has, as soon as practicable (whether before or after the change), given notice to the *FSA PRA* stating the details of the change.
- (2) The *FSA appropriate UK regulator* believes that for a change to arise from circumstances beyond the control of a *UK firm*, the circumstances should be outside the control of the *firm* as a whole and not just the *branch* in the *EEA State*.

...

#### The process

- 13.6.11 G When the *FSA appropriate UK regulator* receives a notice from a *UK firm* [FCA/ PRA] other than a *MiFID investment firm* (see *SUP* 13.6.5G(1) and *SUP* 13.6.7G(1)) or a *pure reinsurer* (see *SUP* 13.6.9BR) it is required by regulations 11(4) and 13(4) to either refuse, or consent to the change within a period of one *month* from the day on which it received the notice.

- 13.6.12 G If the *FSA appropriate UK regulator* consents to the change, then under [FCA/ PRA] regulations 11(5) and 13(5) it will:

...

- 13.6.12 G Where the *PRA* is the *appropriate UK regulator*, it will consult the *FCA* [FCA/ PRA] *A* before deciding whether to give consent to a change (or proposed change) and where the *FCA* is the *appropriate UK regulator*, it will consult the *PRA* before deciding whether to give consent in relation to a *UK firm* whose immediate group includes a *PRA-authorised person*.

- 13.6.13 G If a *UK firm* is passporting under the *Banking Consolidation Directive*, then [PRA] regulation 11(7) states provides that the *FSA PRA* may not refuse to consent to a change unless, having regard to the change and to the EEA activities the *UK firm* is seeking to carry on, it doubts the adequacy of the administrative structure or the financial situation of the *UK firm*. In reaching its determination, the *FSA PRA* may have regard to the adequacy of management, systems and the presence of relevant skills needed for the EEA activities to be carried on.

- 13.6.14 G If a *UK firm* is passporting under the *Insurance Directives*, then regulation

[PRA] 13(7) ~~states~~ provides that the ~~FSA~~ PRA may not refuse to consent to a change unless, having regard to the change, the ~~FSA~~ PRA has reason:

...

13.6.15 G If the ~~FSA~~ appropriate UK regulator refuses to consent to a change, then  
[FCA/  
PRA]

(1) the ~~FSA~~ appropriate UK regulator will give notice of the refusal to the *UK firm*, stating its reasons and giving an indication of the *UK firm's* right to refer the matter to the *Tribunal* and the procedures on such a reference; and

(2) the *UK firm* may refer the matter to the *Tribunal*.

13.6.16 G ~~UK firms may wish to submit the standard form~~ Standard forms are available  
[FCA/  
PRA] from the ~~Passport Notifications Unit~~ FCA and PRA authorisations teams (see SUP 13.12 (Sources of further information)) to give the notices to the ~~FSA~~ appropriate UK regulator described in SUP 13.6.5G(1), SUP 13.6.5BG, SUP 13.6.7G(1), SUP 13.6.8G and SUP 13.6.10G(1).

The process: MiFID investment firms

13.6.17 G When the ~~FSA~~ appropriate UK regulator receives a notice from a *UK MiFID investment firm* (see SUP 13.6.5BG(1)), it is required by regulation 11A(3) to inform the relevant *Host State regulator* of the proposed change as soon as reasonably practicable. The *firm* in question may make the change once the period of one *month* beginning with the day on which it gave notice has elapsed.  
[FCA/  
PRA]

## 13.7 Changes to cross border services

...

Firms passporting under the UCITS Directive

13.7.3 G If a *UK firm* is passporting under the *UCITS Directive*, regulation 12(1)  
[FCA] states that the *UK firm* must not make a change in its programme of operations, or the activities to be carried on under its *EEA right*, unless the relevant requirements in regulation 12(2) have been complied with. These requirements are:

(1) the *UK firm* has given a notice to the ~~FSA~~ FCA and to the *Host State regulator* stating the details of the proposed change; or

(2) if the change arises as a result of circumstances beyond the *UK firm's* control, the *UK firm* has as soon as practicable (whether before or after the change) given a notice to the ~~FSA~~ FCA and to the *Host State*

*regulator*, stating the details of the change.

~~UK firms may wish to submit the standard form~~ Standard forms are available from the ~~Passport Notifications Unit~~ FCA authorisations team (see SUP 13.12 (Sources of further information)) to give the notices to the ~~FSA~~ FCA required by referred to in SUP 13.7.3G(1) and SUP 13.7.3AG.

#### Firms passporting under MiFID

...

13.7.3B G The requirements of regulation 12A(2) are that:  
[FCA/  
PRA]

- (1) the *UK firm* has given notice to the ~~FSA~~ appropriate UK regulator stating the details of the proposed change; and

...

#### Firms passporting under the Insurance Directives

...

13.7.5 G Regulation 16(3) provides that:  
[PRA]

- (1) the *UK firm* has given a notice to the ~~FSA~~ PRA stating the details of the proposed change; and
- (2) the ~~FSA~~ PRA has given the *Host State regulator* a notice informing it of the details of the proposed change.

13.7.6 G If the change arises from circumstances beyond the *UK firm's* control, the *UK firm* is required by regulation 16(4) to give a notice to the ~~FSA~~ PRA stating the details of the change as soon as reasonably practicable (whether before or after the change). See also SUP 13.6.10G(2), as relevant to *cross border services*.  
[PRA]

13.7.6A G For further details on giving the notices to the *appropriate UK regulator*, as described in SUP 13.7.3G(1), SUP 13.7.3AG, SUP 13.7.3BG, SUP 13.7.5G(1) and SUP 13.7.6G, UK firms may wish to refer to the standard electronic form available from the ~~Passport Notifications Unit~~ FCA and PRA authorisations teams (see SUP 13.12 (Sources of further information)) to give the notices to the ~~FSA~~ as described in SUP 13.7.3G(1), SUP 13.7.3AG, SUP 13.7.3BG, SUP 13.7.5G(1) and SUP 13.7.6G.  
[FCA/  
PRA]

13.7.7 G When the ~~FSA~~ appropriate UK regulator receives a notice from a *UK firm* (see SUP 13.7.5G(1) and SUP 13.7.6G), it is required by regulations 16(5) to (6) either to refuse or consent to the change within one *month* of receipt.  
[PRA]

13.7.7A G Where the PRA is the *appropriate UK regulator*, it will consult the FCA

[FCA/  
PRA] before deciding whether to give consent to a change (or proposed change) and where the FCA is the appropriate UK regulator, it will consult the PRA before deciding whether to give consent in relation to a UK firm whose immediate group includes a PRA-authorised person.

13.7.8 G If the ~~FSA~~ appropriate UK regulator consents to the change it will:  
[PRA]

...

13.7.9 G If the ~~FSA~~ appropriate UK regulator refuses to consent to a change it is  
[PRA] required by regulation 16(7) to give notice of the refusal to the UK firm, stating its reasons and giving an indication of the UK firm's right to refer the matter to the Tribunal and the procedures that apply to such a reference.

13.7.10 G Where a UK firm with ~~Part IV permission~~ Part 4A permission to carry on  
[PRA] both long-term and general insurance business is passporting under the Insurance Directives and wishes to extend its general insurance business to include long term insurance business (or vice versa), it should complete a new notice of intention and not a change to details notice.

...

#### Liaison between regulators

13.7.13 G Where the PRA is the appropriate UK regulator, it will consult the FCA  
A before deciding whether to give consent to a change (or proposed change)  
[FCA/  
PRA] and, where the FCA is the appropriate UK regulator, it will consult the PRA before deciding whether to give consent in relation to a UK firm whose immediate group includes a PRA-authorised person.

### **13.8 Changes of details: provision of notices to the ~~FSA~~ appropriate UK regulator**

...

13.8.1A G The effect of SUP 13.8.1R(1) is that a firm should submit any form, notice or  
[FCA/  
PRA] application under SUP 13.8.1R(1) in the following ways:

- (1) A UK firm, other than a credit union, should submit it online at ~~www.fsa.gov.uk~~ www.fca.org.uk using the ~~FSA's~~ ONA system.
- (2) If the ~~FSA's~~ information technology systems fail and online submission is unavailable for 24 hours or more, until such time as facilities for online submission are restored, a firm should submit it in the way set out in SUP 13.5.3R(3) and SUP 15.7.4R to SUP 15.7.9G (Form and method of notification). GEN 1.3.2R (Emergency) does not apply in these circumstances.

- (3) If the ~~FSA's~~ information technology systems fail and online submission is unavailable for 24 hours or more, the ~~FSA~~ appropriate UK regulator will endeavour to publish a notice on its website confirming that online submission is unavailable and that the alternative methods of submission should be used.
- (4) ~~A credit union should submit it in the way set out in SUP 13.5.3R(3) and SUP 15.7.4R to SUP 15.7.9G (Form and method of notification).~~  
[deleted]

13.8.1B G A credit union should submit any form, notice or application under SUP  
[PRA] 13.8.1R(1) in the way set out in SUP 13.5.3R(3) and SUP 15.7.4R to SUP  
15.7.9G (Form and method of notification).

...

### 13.10 Applicable provisions

...

13.10.2 G *UK firms* passporting under the *Banking Consolidation Directive* should note  
[PRA] that, under the Directive, the *Host State* is responsible, together with the ~~FSA~~  
PRA, for monitoring the liquidity of a *branch* established by a *UK firm* in  
another *EEA State*.

...

### 13.12 Sources of further information

13.12.1 G (1) Given the complexity of issues raised by passporting, *UK firms* are  
[FCA/  
PRA] advised to consult legislation and also to obtain legal advice at  
earliest opportunity. Firms are encouraged to contact their usual  
supervisory contact at the ~~FSA~~ appropriate UK regulator to discuss  
their proposals. However, a *UK firm* which is seeking *guidance* on  
procedural or notification issues relating to passporting should  
contact the ~~Passport Notifications Unit~~ FCA and PRA authorisations  
teams, as and where appropriate.

- (2) An applicant for ~~Part IV permission~~ Part 4A permission which is  
submitting a *notice of intention* with its application for such  
*permission* should contact the ~~Permissions department (020 7066~~  
~~3954) in the first instance~~ FCA and PRA authorisations teams, as and  
where appropriate.

13.12.2 G To contact the ~~Passport Notifications Unit~~ FCA and/or PRA authorisations  
[FCA/  
PRA] teams, please see the details provided on that regulator's website.

- (1) ~~telephone on 020 7066 1000; fax on 020 7066 9798 ; or~~
- (2) ~~write to: The Passport Notifications Unit, The Financial Services Authority, 25 The North Colonnade, Canary Wharf, London E14 5HS; or~~
- (3) ~~Email: [passport.notifications@fsa.gov.uk](mailto:passport.notifications@fsa.gov.uk)~~

...

## 13A Qualifying for authorisation under the Act

### 13A.1 Application and purpose

...

13A.1.2 G This chapter does not apply to:  
[FCA/  
PRA]

- (1) an *EEA firm* that wishes to carry on in the *United Kingdom* activities which are outside the scope of its *EEA right* and the scope of a *permission* granted under Schedule 4 to the *Act*; in this case the *EEA firm* requires a "*top-up permission*" under Part ~~IV~~ 4A of the *Act* (see the *FSA appropriate UK regulator's* website "How do I get authorised": <http://www.fca.org.uk/firms/about-authorisation/getting-authorised> for the *FCA* and [www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx](http://www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx) for the *PRA*); or

...

- (4) a *market operator* that operates a *regulated market* or an *MTF* in an *EEA State* other than the *UK* and wishes to make appropriate arrangements so as to facilitate access to and use of its system by remote users or participants in the *UK*. See *SUP* App 3.6.25G for guidancee guidance.

...

Purpose

...

13A.1.5 G (1) *EEA firms* should note that this chapter only addresses the procedures which the *FSA appropriate UK regulator* will follow under the *Act*. So, an *EEA firm* should consider this *guidance* in conjunction with the requirements with which it will have to comply in its *Home State*.



- (2) The *guidance* in this chapter represents the ~~FSA's~~ appropriate UK regulator's interpretation of the *Single Market Directives*, the *auction regulation*, the *Act* and the secondary legislation made under the *Act*. The *guidance* is not exhaustive and should not be seen as a substitute for a *person* consulting the legislation or taking legal advice.

...

### 13A.3 Qualifications for authorisation under the Act

EEA firms

...

- 13A.3.1C [FCA] G (1) Under paragraph 15A(1) of Part II of Schedule 3 to the Act, an *EEA UCITS management company* intending to exercise an *EEA right* to provide *collective portfolio management* services for a *UCITS scheme* must, before it undertakes that activity, obtain the ~~FSA's~~ FCA's approval to manage that *UCITS scheme*. *Firms* should use the application form set out in SUP 13A Annex 3R (EEA UCITS management companies: application for approval to manage a UCITS scheme established in the United Kingdom) for this purpose.
- (1A) If the firm's immediate group includes a PRA-authorised person, the FCA will give the PRA a copy of the application referred to in (1).
- (2) If the ~~FSA~~ FCA refuses the application referred to in (1), it will give a notice to the *firm* and the *firm's Home State regulator* in accordance with paragraph 15A of Part II of Schedule 3 to the *Act*. Before refusing an application, the ~~FSA~~ FCA will consult with the *firm's Home State regulator*.
- (3) Under paragraph 15B(1) of Part II of Schedule 3 to the *Act*, if any representations are made to the ~~FSA~~ FCA by a *firm* to which the notice referred to in (2) has been given, the ~~FSA~~ FCA is required to decide whether to withdraw that notice. If the ~~FSA~~ FCA decides not to withdraw that notice it must give the *firm* a *decision notice*.
- (4) ~~For details of the FSA's procedures for the giving of notices see DEPP 2 (Statutory notices and allocation of decision making).~~  
[deleted]
- 13A.3.1D [FCA] G For details of the FCA's procedures for the giving of notices see DEPP 2 (Statutory notices and allocation of decision making).

...

Treaty firms

...

13A.3.6 G The effect of paragraph 5(1) and 5(2) of Schedule 4 to the *Act* is that a  
[FCA/ *Treaty firm* which qualifies for *authorisation* under that Schedule must, at  
PRA] least seven *days* before it carries on any of the *regulated activities* covered  
by its *permission*, give the *FSA appropriate UK regulator* written notice  
of its intention to do so. Failure to do so is a criminal offence under  
paragraph 6(1) of that Schedule.

13A.3.6A G Where the *PRA* receives a notification, it will give a copy to the *FCA*, and  
[FCA/ where the *FCA* receives a notification, it will give a copy to the *PRA*  
PRA] where relevant.

13A.3.7 D (1) A written notice from a *Treaty firm* under paragraph 5(2) of  
[FCA/ Schedule 4 to the *Act* must be:  
PRA]

(a) ~~given to a member of, or~~ addressed for the attention of, the  
~~Authorisation Department~~ authorisations team in the *PRA*  
or *FCA*, as appropriate; and

(b) delivered to the *FSA appropriate UK regulator* by one of  
the methods in (2).

(2) The written notice may be delivered by:

(a) ~~post to the address in SUP 13A.3.9G below~~ either of the  
following addresses, as appropriate:

(i) the address for notices to the *FCA*: The Financial  
Conduct Authority, 25 The North Colonnade,  
Canary Wharf, London, E14 5HS; or

(ii) the address for notices to the *PRA*: The Prudential  
Regulation Authority, 20 Moorgate, London, EC2R  
6DA; or

(b) leaving the application at the address in SUP 13A.3.9G  
below and obtaining a time-stamped receipt; or

(c) hand delivery to a member of the ~~Authorisation Department~~  
authorisations team in the *PRA* or *FCA*, as appropriate.

...

13A.3.9 G (1) For further information, a *Treaty firm* ~~may contact the~~  
[FCA/ ~~Authorisation Department~~; should contact the *FCA* and/or *PRA*  
PRA] authorisations teams using the details provided on that regulator's

website.

- (a) ~~telephone on +4420 7066 3954; or~~
- (b) ~~write to the Authorisations Department, The Financial Services Authority, 25 The North Colonnade, Canary Wharf, London, E14 5HS; or~~
- (c) ~~email [corporate.authorisation@fsa.gov.uk](mailto:corporate.authorisation@fsa.gov.uk).~~

...

13A.3.11 G ...  
[PRA]

- (2) An insurance company with its head office in an *EEA State* other than the *United Kingdom* that is carrying on pure *reinsurance* business in that State, and which wishes to carry on such business in the *United Kingdom* and is authorised by its *Home State* but not yet under the *Reinsurance Directive*, is advised to discuss its particular requirements with the ~~Authorisation Department~~ authorisations team in the PRA. It may be entitled to exercise a *Treaty right* provided it satisfies the conditions in paragraph 3(1) of Schedule 4 to the Act (see *SUP* 13A.3.4G). Otherwise, it will have to seek a ~~Part IV permission~~ Part 4A permission (see the ~~FSA website "How do I get authorised":~~ [www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx](http://www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx)).

...

#### 13A.4 EEA firms establishing a branch in the United Kingdom

The conditions for establishing a branch

...

13A.4.1A G An *EEA UCITS management company* may not exercise an *EEA right* to provide *collective portfolio management* services for a *UCITS scheme* from a *branch* in the *United Kingdom* until approved by the ~~FSA~~ FCA to do so (see *SUP* 13A.3.1CG).

...

13A.4.3 G For the purposes of paragraph 13(2)(b) of Part II of Schedule 3 to the Act, the *applicable provisions* may include ~~FSA~~ the appropriate UK regulator's rules. The *EEA firm* is required to comply with relevant *rules* when carrying on a *passported activity* through a *branch* in the *United Kingdom* as well as with relevant *UK* legislation.

...

The notification procedure

13A.4.4 G (1) When the *FSA appropriate regulator* receives a consent notice  
[FCA/ from the *EEA firm's Home State regulator*, it will, under  
PRA] paragraphs 13(2)(b), (c) and 13(3) of Part II of Schedule 3 to the  
*Act*, notify the *applicable provisions* (if any) to:

...

(1A) The notice date is:

(a) for a *MiFID investment firm*, the date on which the *Home State* gave the consent notice; and

(b) in any other case, the date on which the *FSA appropriate UK regulator* received the consent notice.

(2) Although the *FSA appropriate UK regulator* is not required to notify the *applicable provisions* to an *EEA firm* passporting under the *Insurance Mediation Directive* or *MiFID*, these provisions are set out in *SUP 13A Annex 1G* (Application of the Handbook to Incoming EEA Firms).

13A.4.4A G (1) Where the *PRA* receives a consent notice, it will give a copy to the  
[FCA/ *FCA* without delay, and where the *FCA* receives a consent notice it  
PRA] will give a copy to the *PRA*, where relevant, without delay.

(2) In a case where the *FCA* is the *appropriate UK regulator*, the consent of the *PRA* is required for any notification by the *FCA* which relates to:

(a) a *PRA-regulated activity*;

(b) a *PRA-authorised person*; or

(c) a *person* whose immediate group includes a *PRA-authorised person*.

...

## 13A.5 EEA firms providing cross border services in the United Kingdom

...

The conditions for providing cross border services into the United Kingdom

13A.5.3 G ...  
[FCA/

PRA]

- (3) An EEA UCITS management company may not exercise an EEA right to provide collective portfolio management services for a UCITS scheme on a cross border services basis until approved by the ~~FSA~~ FCA to do so (see SUP 13A.3.1CG).
- (4) An EEA firm that has received authorisation under article 18 of the auction regulation is not subject to the service conditions in its exercise of an EEA right under the auction regulation to provide services in the United Kingdom. The notification procedure in SUP 13A.5.4 G does not apply to it and it does not need to notify the ~~FSA~~ FCA prior to providing services into the United Kingdom because there are presently no applicable provisions that apply in these circumstances. Instead, its provision of these services is supervised by its Home State regulator

The notification procedure

- 13A.5.4 [FCA/  
PRA] G (1) Unless the EEA firm (other than an EEA pure reinsurer or an EEA firm that received authorisation under article 18 of the auction regulation) is passporting under the Insurance Mediation Directive, if the ~~FSA~~ appropriate UK regulator receives a regulator's notice or, where no notice is required (in the case of an EEA firm passporting under the Banking Consolidation Directive), is informed of the EEA firm's intention to provide cross border services into the United Kingdom, the ~~FSA~~ appropriate UK regulator will, under paragraphs 14(2)(b) and 14(3) of Part II of Schedule 3 to the Act, notify the EEA firm of the applicable provisions (if any) within two months of the day on which the ~~FSA~~ appropriate UK regulator received the regulator's notice or was informed of the EEA firm's intention.
- (2) Although the ~~FSA~~ appropriate UK regulator is not required to notify the applicable provisions to an EEA Firm passporting under the Insurance Mediation Directive or MiFID, these provisions are set out in SUP 13A Annex 1G (Application of the Handbook to Incoming EEA Firms).
- 13A.5.4A [FCA/  
PRA] G Where the PRA receives a notice, it will give a copy to the FCA without delay and where the FCA receives a notice, it will give a copy to the PRA without delay, where relevant.
- 13A.5.5 [FCA/  
PRA] G An EEA firm (other than an EEA UCITS management company) that has satisfied the service conditions in paragraph 14 of Part II of Schedule 3 to the Act is entitled to start providing cross border services into the United Kingdom. In the case of an EEA UCITS management company, ~~FSA~~ FCA approval must first be obtained, as explained in SUP 13A.5.3G (see also SUP 13A.3.1CG). However, an EEA firm that wishes to start providing cross border services but has not yet received notification of the applicable provisions may wish to contact the ~~FSA's~~ Passport

~~Notifications Unit~~ authorisations team in the *FCA* or *PRA*, as appropriate (see *SUP* 13A.8.1G(2)).

### 13A.6 Which rules will an incoming EEA firm be subject to?

...

13A.6.4 G Under the *EEA Passport Rights Regulations*, references in section 60 of [FCA/ PRA] the Act (applications for approval for persons to perform controlled functions) to "the authorised person concerned" include:

...

- (2) any other *EEA firm* with respect to which the *FSA appropriate UK regulator* has received a consent notice or regulator's notice under paragraph 13 of Schedule 3 to the Act (see *SUP* 13A.4.1G(1) and *SUP* 13A.4.2G) or a regulator's notice under paragraph 14 of that Schedule (see *SUP* 13A.5.3G(1)), and which will be the *authorised person* concerned if the *EEA firm* qualifies for *authorisation* under that Schedule.

...

### 13A.7 Top-up permission

13A.7.1 G If a person established in the *EEA*: [FCA/ PRA]

...

to carry on a particular *regulated activity* in the *United Kingdom*, it must seek ~~Part IV permission~~ Part 4A permission from the *FSA appropriate UK regulator* to do so (see the *FSA appropriate UK regulator's* website "How do I get authorised": <http://www.fca.org.uk/firms/about-authorisation/getting-authorised> for the *FCA* and [www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx](http://www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx) for the *PRA*). This might arise if the activity itself is outside the scope of the *Single Market Directives*, or where the activity is included in the scope of a *Single Market Directive* but is not covered by the *EEA firm's Home State authorisation*. If a person also qualifies for *authorisation* under Schedules 3, 4 or 5 of the Act as a result of its other activities, the ~~Part IV permission~~ Part 4A permission is referred to in the *Handbook* as a *top-up permission*.

13A.7.2 G Where the ~~FSA~~ appropriate UK regulator grants a *top-up permission* to an  
[FCA/  
PRA] *incoming EEA firm* to carry on *regulated activities* for which it has neither  
an *EEA right* nor a *Treaty right*, the ~~FSA~~ appropriate UK regulator is  
responsible for the prudential supervision of the *incoming EEA firm*, to the  
extent that the responsibility is not reserved to the *incoming EEA firm's*  
*Home State regulator*.

...

13A.7.4 G For *guidance* on how to apply for ~~Part IV permission~~ Part 4A permission  
[FCA/  
PRA] under the *Act*, see the ~~FSA~~ appropriate UK regulator's website "~~How do I~~  
~~get authorised~~": [http://www.fca.org.uk/firms/about-authorisation/getting-  
authorised for the FCA and  
www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx](http://www.fca.org.uk/firms/about-authorisation/getting-authorised-for-the-FCA-and-www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx)  
for the *PRA*. If an *EEA firm* or *Treaty firm* wishes to make any subsequent  
changes to its *top-up permission*, it can make an application for variation  
of that *permission* (see *SUP 6* (Applications to vary and cancel Part ~~IV~~ 4A  
*permission*)).

## 13A.8 Sources of further information

13A.8.1 G For further information on *UK regulation*, an *EEA firm*, a *Treaty firm* or a  
[FCA/  
PRA] *UCITS qualifier* should contact the ~~Perimeter Guidance team at the FSA.~~  
~~Questions about the passporting notification procedures can be addressed~~  
~~to the Passport Notifications Unit.~~ authorisations team in the *FCA* or *PRA*,  
if and when appropriate. To contact the *FCA* and/or *PRA* authorisations  
teams, please see the details provided on that regulator's website.

(1) ~~To contact the Perimeter Guidance team:~~

(a) ~~telephone on +44 20 7066 0082 or fax on +44 20 7066 9719;~~

(b) ~~write to: Perimeter Guidance Team, The Financial Services Authority, 25 The North Colonnade, Canary Wharf, London E14 5HS.~~

(2) ~~To contact the Passport Notifications Unit:~~

(a) ~~telephone on +44 20 7066 1000 or fax on +44 20 7066 9798;~~

(b) ~~write to: Passport Notifications Unit, The Financial Services Authority, 25 The North Colonnade, Canary Wharf, London E14 5HS;~~

(c) ~~email: [passport.notifications@fsa.gov.uk](mailto:passport.notifications@fsa.gov.uk).~~

SUP 13A.9 is deleted in its entirety. The deleted text is not shown.

...

13A G Application of the Handbook to Incoming EEA Firms

Annex 1

[FCA/  
PRA]

...		
<p>4. An <i>EEA firm</i> that exercises an <i>EEA right</i> under the <i>auction regulation</i> to establish a branch in the <i>United Kingdom</i> to provide <i>auction regulation bidding</i> is subject to a limited set of requirements in the <i>Handbook</i> that apply to that activity. These are the <i>rules</i> listed in paragraph 2.6A of <i>SYSC 1 Annex 1</i>, <i>GEN 4</i> and <i>SUP</i> (in particular, the <i>money laundering reporting function</i> in <i>SUP 10A</i> and requirements to notify the <del><i>FSA</i></del> <i>FCA</i>). Aside from this note, the table does not apply to those firms.</p>		
<p>5. An <i>EEA firm</i> that exercises an <i>EEA right</i> under <i>MiFID</i> to carry on <i>MiFID business bidding</i> is subject to the <i>applicable provisions</i> relating to its carrying on of <i>MiFID business</i>.</p>		
<b>(1) Module of Handbook</b>	<b>(2) Potential application to an incoming EEA firm with respect to activities carried on from an establishment of the firm (or its appointed representative) in the United Kingdom</b>	<b>(3) Potential application to an incoming EEA firm with respect to activities carried on other than from an establishment of the firm (or its appointed representative) in the United Kingdom</b>
...		
<i>SYSC</i>	<p>...</p> <p>(3) <i>SYSC 3</i> applies, but only in so far as responsibility for the matter in question is not reserved by an <i>EU instrument</i> to the <i>firm's Home State regulator</i>. <del><i>SYSC 1.1.7R</i></del> <i>SYSC 1 Annex 1, Part 1, 1.8R</i> (Where?) further restricts the territorial application of <i>SYSC 1</i> to <i>SYSC 3</i> for an</p>	...



	<i>incoming EEA firm...</i>	
<i>COND</i>	<p><i>COND</i> does not apply if the <i>firm</i> does not have, or apply for, a <i>top-up permission</i>.  Otherwise, <del>only the</del> <u>threshold conditions 1,3,4 and 5</u> apply in a limited way and only in so far as relevant to:  (1) <del>an application for in the case of a top-up permission under Part IV</del> <u>Part 4A</u> of the <i>Act</i> (that is, a <i>permission</i> to carry on <i>regulated activities</i> in addition to those permitted through its <i>authorisation</i> under Schedule 3 to the <i>Act</i> (EEA Passport Rights)); and  (2) the exercise of the <del>FSA's own initiative power</del> <u>FCA's powers under sections 55J and 55L of the Act</u> in relation to the <i>top-up permission</i>. (<del>COND 1.1.1G</del> <u>COND 1.1.A.4G</u>)</p>	...
...		
<i>GEN</i>	<p><i>GEN</i> applies (<i>GEN</i> 1.1, <i>GEN</i> 2.1, <del><i>GEN</i> 3.1</del>, <i>GEN</i> 4.1, <i>GEN</i> 5.1 and <i>GEN</i> 6.1). However, (a) <i>GEN</i> 4 does not apply to the extent that the <i>firm</i> is subject to equivalent <i>rules</i> imposed by its <i>Home State</i> (<i>GEN</i> 4.1.1R(3)), and (b) <i>GEN</i> 6 only applies to business that can be regulated under <del>section 138</del> <u>sections 137A and 137G</u> of the <i>Act</i> (<del>General rule making power</del>) (<u>The FCA's General rules</u>) and (<u>The PRA's General rules</u>), respectively. It does not therefore apply if, or to the extent that, responsibility has been</p>	<p><i>GEN</i> 4 does not apply if the <i>firm</i> has <i>permission</i> only for <i>cross-border services</i> and does not carry on <i>regulated activities</i> in the <i>United Kingdom</i> (see <i>GEN</i> 4.1.1R).  The general licence to use <del>or reproduce the FSA logo in GEN 5 Annex 1G</del> does not apply (see 3.1(1) of <del>GEN 5 Annex 1G</del>).  Otherwise, as column (2).</p>

	reserved to an <i>incoming firm's Home State regulator</i> by an <i>EU instrument</i> .  ...	
<u>FEES</u>	<u>Applies to the extent a firm is required to pay a fee in regards to carrying out any regulated activity in the UK, normally this would be the case when the firm holds a top-up permission</u>	<u>As column (2)</u>
...		
<u>IPRU(BANK)</u>	Only the following apply, and only if the <i>firm</i> is a <i>credit institution</i> ( <i>IPRU(BANK) 3.2.1R</i> ): (1) <i>IPRU(BANK) 3.5.1R</i> ; and (2) <i>IPRU(BANK)</i> chapters LM and LS.	Does not apply. But if the <i>firm</i> is a <i>credit institution</i> whose notification to the <i>FSA</i> of its intention to provide services in the <i>United Kingdom</i> covers services provided through a <i>branch</i> , see column (2).
<u>IPRU(BSOC)</u>	Does not apply because an <i>incoming EEA firm</i> cannot be a <i>building society</i> ( <i>IPRU(BSOC) X.2.1R</i> ).	Does not apply because an <i>incoming EEA firm</i> cannot be a <i>building society</i> ( <i>IPRU(BSOC) X.2.1R</i> ).
...		
<u>IPRU(INS)</u>	{deleted}	{deleted}
...		
<u>MAR</u>	...	
	<b><u>MAR 8 (Benchmarks)</u></b>  <u>Applies only to firms whose top-up permission includes providing information in relation to a regulated benchmark.</u>	<b><u>MAR 8 (Benchmarks)</u></b>  <u>As column (2)</u>
...		

<i>SUP</i>	<p><b>SUP 1 (The FSA's <u>SUP 1A</u> (The FCA's approach to supervision))</b> Applies, but contains only <i>guidance</i>.</p>	<p><b>SUP 1 (The FSA's <u>SUP 1A</u> (The FCA's approach to supervision))</b> As column (2).</p>
	<p><b>SUP 2 (Information gathering by the FSA [FCA &amp; PRA] on its own initiative)</b> The application of this chapter is the same as for <i>Principle 11</i> (see under <i>PRIN</i> above).</p>	<p><b>SUP 2 (Information gathering by the FSA [FCA &amp; PRA] on its own initiative).</b> As column (2)</p>
	...	
	<p><b>SUP 5 (Skilled persons)</b> Applies only if the <i>firm</i> is required by the <del>FSA</del> <u>FCA or PRA</u> to provide a report under section 166 of the <i>Act</i> (Reports by skilled persons).</p>	<p><b>SUP 5 (Skilled persons)</b> As column (2).</p>
	<p><b>SUP 6 (Applications to vary and cancel <u>Part IV Part 4A</u> permission)</b> Applies only if the <i>firm</i> has a <i>top-up permission</i></p>	<p><b>SUP 6 (Applications to vary and cancel <u>Part IV Part 4A</u> permission)</b> As column (2).</p>
	<p><b>SUP 7 (Individual requirements)</b> Applies only if the <i>firm</i> has a <i>top-up permission</i>. It contains only <i>guidance</i> on the exercise of the <del>FSA's own initiative power to vary that permission</del> <u>FCA's powers under sections 55J and 55L of the Act</u>. The <del>FSA</del> <u>FCA</u> has similar, but more limited, powers of intervention under <b>Part XIII Part 13</b> of the <i>Act</i> in relation to the <i>permission</i> of the <i>firm</i> under Schedule 3 to the <i>Act</i> (see <del>ENF 4</del>) (see EG 8).</p>	<p><b>SUP 7 (Individual requirements)</b> As column (2).</p>

<p><b>SUP 8 (Waiver and modification of rules)</b> Applies only if the <i>firm</i> wishes to apply for, or consent to, or has been given, a <i>waiver</i> of the <i>FSA's appropriate regulator's</i> rules (SUP 8.1.1R).</p>	<p><b>SUP 8 (Waiver and modification of rules)</b> As column (2).</p>
<p><b>SUP 9 (Individual guidance)</b> Applies only if the <i>firm</i> wishes to obtain individual <i>guidance</i> from the <i>FSA FCA</i> or if the <i>FSA FCA</i> gives the <i>firm</i> individual <i>guidance</i> on its own initiative (SUP 9.1.1G).</p>	<p><b>SUP 9 (Individual guidance)</b> As column (2).</p>
<p><b><del>SUP 10</del> SUP 10A (Approved persons)</b> Applies, but the applicable <i>controlled functions</i> are limited. See <del>SUP 10.1</del> SUP 10A.1 (Application) for more detailed <i>guidance</i>.</p>	<p><b><del>SUP 10</del> SUP 10A (Approved persons)</b> Does not apply (<del>SUP 10.1.6 R</del> SUP 10A.1.6R).</p>
<p><b><u>SUP 10B (Approved Persons)</u></b>  <u>Does not apply</u></p>	<p><b><u>SUP 10B (Approved Persons)</u></b>  <u>As column (2)</u></p>
<p>...</p>	
<p><b>SUP 13A (Qualifying for authorisation under the Act)</b> SUP 13A applies to the <i>firm</i> if it: (1) is considering carrying on activities in the <i>United Kingdom</i> which may fall within the scope of the <i>Act</i> and is seeking <i>guidance</i> on whether it needs a <i>top-up permission</i>; or (2) is, or is considering, applying to the <i>FSA appropriate regulator</i> to carry on <i>regulated activities</i></p>	<p><b>SUP 13A (Qualifying for authorisation under the Act)</b> As column (2).</p>

	<p>in the <i>United Kingdom</i> under a <i>top-up permission</i>; or (3) is, or is considering, establishing a <i>branch</i> or providing <i>cross-border services</i> into the <i>United Kingdom</i> using <i>EEA rights</i>.</p>	
	...	
	<p><b>SUP 15 (Notifications to the FSA <u>FCA</u> or <u>PRA</u>)</b> Applies in full if the <i>firm</i> has a <i>top-up permission</i>. Otherwise, the application is modified as set out in <i>SUP 15 Annex 1R</i>.</p>	<p><b>SUP 15 (Notifications to the FSA <u>FCA</u> or <u>PRA</u>)</b> Does not apply if the <i>firm</i> has <i>permission</i> only for <i>cross border services</i> and does not carry on <i>regulated activities</i> in the <i>United Kingdom</i> (<i>SUP 15 Annex 1R</i>). Otherwise, as column (2).</p>
	...	
	<p><b>SUP 20 (Fees Rules)</b> Applies (<i>SUP 20.1.1R</i>) but modified (<i>SUP 20.4.7G</i> to <i>SUP 20.4.10R</i>).</p>	<p><b>SUP 20 (Fees Rules)</b> As column (2).</p>
	<p><b>SUP App 1 (Prudential categories)</b> Applies and provides <i>guidance</i> on the prudential categories used in the <i>Handbook</i>.</p>	<p><b>SUP App 1 (Prudential categories)</b> As column (2).</p>
	...	
DEPP	<p>DEPP applies and contains a description of the <i>FSA's <u>FCA's</u></i> procedures for taking statutory notice decisions, the <i>FSA's <u>FCA's</u></i> policy on the imposition and amount of penalties and the conduct of interviews to which a direction under section 169(7) of the <del>Act</del> <i>Act</i> has been given or the <i>FSA <u>FCA</u></i></p>	<p>DEPP applies and contains a description of the <i>FSA's <u>FCA's</u></i> procedures for taking statutory notice decisions, the <i>FSA's <u>FCA's</u></i> policy on the imposition and amount of penalties and the conduct of interviews to which a direction under section 169(7) of the <del>Act</del> <i>Act</i> has been given or the</p>

	is considering giving.	<del>FSA-FCA</del> is considering giving.
...		
<i>COMP</i>	<p>Applies, except in relation to the <i>passport activities</i> of <del>an</del> a <i>MiFID investment firm</i> <del>or</del> a <i>BCD credit institution</i> (see the definition of "<i>participant firm</i>") (other than an electronic money institution within the meaning of article 1(3)(a) of the <i>E-Money Directive</i> that has the right to benefit from the mutual recognition arrangements under the <i>Banking Consolidation Directive</i>), <u>an <i>IMD insurance intermediary</i> or a <i>UCITS management company</i> acting in that capacity other than in relation to a <i>UCITS scheme</i> (see the definition of "<i>participant firm</i>").</u></p> <p>However, <del>an</del> a <i>MiFID investment firm</i>, <del>or</del> <i>BCD credit institution</i>, <u>an <i>IMD insurance intermediary</i> or a <i>UCITS management company</i> (when carrying on permitted <i>MiFID business</i>)</u> may be able to apply for <i>top-up cover</i> in relation to its <i>passport activities</i> (see <i>COMP 14</i> (Participation by EEA Firms)).</p>	<p>Does not apply in relation to the <i>passport activities</i> of an <i>MiFID investment firm</i>, or a <i>BCD credit institution</i>, <u>an <i>IMD insurance intermediary</i> or a <i>UCITS management company</i> acting in that capacity other than in relation to a <i>UCITS scheme</i> (see the definition of "<i>participant firm</i>").</u> Otherwise, <i>COMP</i> may apply, but the coverage of the <i>compensation scheme</i> is limited for non-UK activities (see <i>COMP 5</i>).</p>
<i>COAF</i>	<p>Applies if the <i>firm</i> wishes to bring a <i>complaint</i> under the <i>complaints scheme</i>, <del>provided the <i>complaint</i> meets the requirements of the <i>complaints scheme</i> (<i>COAF 1.2</i>).</del></p>	As column (2).

...		
{deleted}	{deleted}	{deleted}
...		
<u>EG</u>	<i>EG</i> describes the <i>FSA's FCA's</i> approach to exercising the main enforcement powers given to it by FSMA and by regulation 12 of the <i>Unfair Terms Regulations</i> . <i>EG</i> is a Regulatory Guide and as such does not form part of the Handbook.	<u>EG (Enforcement Guide)</u> As column (2).
<u>CONRED</u>	Applies to a <i>firm</i> which made a <i>personal recommendation</i> in relation to an Arch cru fund, after which a <i>consumer</i> made an investment in the Arch cru fund, and to which the suitability requirements (specified at paragraph 5.1R of the instructions in <i>CONRED 2 Annex 13</i> ) applied ( <i>CONRED 2.1.1R</i> ).	Does not apply

**Notes to Annex 1**

Note 1: The following modules or chapters are relevant to *firms* in both the *PRA Handbook* and the *FCA Handbook*: *PRIN, SYSC, APER, FIT, GEN, FEES, GENPRU, BIPRU, MIPRU, IPRU (INV), SUP 2 to 6, 8, 11, 13 to 16, 18 & Appendix 2 and COMP*.

Note 2: The following modules or chapters are relevant in the *FCA Handbook* only: *COND, INSPRU, COBS, ICOBS, MCOB, CASS, MAR, TC, SUP 1A, 7, 9, 10A, 12 & 17, DEPP, DISP, COLL, PROF, LR, PR, DTR and EG*.

13A  
Annex 2

**G Matters reserved to a Home State regulator**

[FCA/

PRA]

Introduction	
1. [FCA/ PRA]	The application of certain provisions in the <i>Handbook</i> to an <i>incoming EEA firm</i> or <i>incoming Treaty firm</i> depends on whether responsibility for the matter in question is reserved to the <i>firm's Home State regulator</i> . This annex contains <i>guidance</i> designed to assist such <i>firms</i> in understanding the application of those provisions. This annex is not concerned with the <del>FSA's</del> <i>FCA</i> or the <i>PRA's</i> rights to take enforcement action against an <i>incoming EEA firm</i> or an <i>incoming Treaty firm</i> , which, <u>in the case of the FCA</u> , are covered in the Enforcement Guide ( <i>EG</i> ), or with the position of a <i>firm</i> with a <i>top-up permission</i>
Requirements in the interest of the general good	
2. [FCA/ PRA]	The <i>Single Market Directives</i> , and the <i>Treaty</i> (as interpreted by the European Court of Justice) adopt broadly similar approaches to reserving responsibility to the <i>Home State regulator</i> . To summarise, the <del>FSA</del> <i>FCA</i> or <i>PRA</i> , as <i>Host State regulator</i> , is entitled to impose requirements with respect to activities carried on within the <i>United Kingdom</i> if these can be justified in the interests of the "general good" and are imposed in a non-discriminatory way. This general proposition is subject to the following in relation to activities passported under the <i>Single Market Directives</i> :
	(1) the <i>Single Market Directives</i> expressly reserve responsibility for the prudential supervision of a <i>MiFID investment firm</i> , <i>BCD credit institution</i> , <i>UCITS management company</i> or passporting <i>insurance undertaking</i> to the <i>Firm's Home State regulator</i> . The <i>Insurance Mediation Directive</i> reaches the same position without expressly referring to the concept of prudential supervision. Accordingly, the <del>FSA</del> <i>FCA</i> , as <i>Host State regulator</i> , is entitled to regulate only the conduct of the firm's business within the <i>United Kingdom</i> ;
	...
	(3) for a <i>BCD credit institution</i> , the <del>FSA</del> <i>PRA</i> or <i>FCA</i> , as <i>Host State regulator</i> , is jointly responsible with the <i>Home State regulator</i> under article 41 of the <i>Banking Consolidation Directive</i> for supervision of the liquidity of a <i>branch</i> in the <i>United Kingdom</i> ;
	...
3. [FCA/ PRA]	...
Application of SYSC 2 and SYSC 3	



4. [FCA/ PRA]	SYSC 2 and SYSC 3 only apply to an <i>insurer</i> , a <i>managing agent</i> and the <i>Society</i> . See paragraph 8 below for a discussion of how the <i>common platform requirements</i> apply. SYSC 2.1.1R and SYSC 2.1.2G do not apply for a relevant <i>incoming Treaty firm</i> . The <del>FSA considers</del> <u>FCA and PRA consider that it is they are</u> entitled, in the interests of the general good, to impose the requirements in SYSC 2.1.3 R to SYSC 2.2.3G (in relation to the allocation of the function in SYSC 2.1.3R(2)) and SYSC 3 on an <i>incoming EEA firm</i> and an <i>incoming Treaty firm</i> ; but only in so far as they relate to those categories of matter responsibility for which is not reserved to the <i>firm's Home State regulator</i> .
5. [FCA/ PRA]	Should the <del>FSA</del> <u>FCA or PRA</u> become aware of anything relating to an <i>incoming EEA firm</i> or <i>incoming Treaty firm</i> (whether or not relevant to a matter for which responsibility is reserved to the <i>Home State regulator</i> ), the <del>FSA</del> <u>PRA or FCA</u> may disclose it to the <i>Home State regulator</i> in accordance with any directive and the applicable restrictions in Part 23 <del>XXIII</del> of the Act (Public Record, Disclosure of Information and Co-operation).
6. [FCA/ PRA]	This Annex represents the <del>FSA's</del> <u>FCA's</u> and <u>PRA's</u> views, but a <i>firm</i> is also advised to consult the relevant <i>EU</i> instrument and, where necessary, seek legal advice. The views of the European Commission in the banking and insurance sectors are contained in two Commission Interpretative Communications (Nos. 97/C209/04 and C(1999)5046).
7.	[deleted]
Application of the common platform requirements in SYSC to EEA MiFID investment firms	
8. [FCA/ PRA]	
Application of SYSC to EEA UCITS management companies	
8A. [FCA]	...
Requirements under MiFID	
9. [FCA/ PRA]	...
10. [FCA/ PRA]	...

11. [FCA/ PRA]	... The <i>FSA</i> has made certain requirements that fall within the scope of Article 4. These requirements apply to an <i>EEA MiFID investment firm</i> with an establishment in the <i>United Kingdom</i> as they apply to a <i>UK MiFID investment firm</i> , <u>in the circumstances contemplated by article 32(7) MiFID.</u>
Requirements under the UCITS Directive	
11A [FCA]	...
11B [FCA]	A <i>management company</i> which provides <i>collective portfolio management</i> services on a cross-border basis by establishing a <i>branch</i> in another <i>EEA State</i> or under the freedom to provide services must comply with the <i>rules</i> of the <i>UCITS Home State</i> which relate to the constitution and functioning of the <i>UCITS</i> . Where the <i>UCITS Home State</i> is the <i>United Kingdom</i> , the applicable <i>rules</i> that the <i>EEA UCITS management company</i> must comply with are as follows:
	(1) <i>COLL 12.3.4R</i> (Provision of documentation to the <del>FSA</del> <u>FCA</u> : <i>EEA UCITS management companies</i> );
	...
	(3) <i>COLL 12.3.6R</i> (Requirement to make information available to the public or the <del>FSA</del> <u>FCA</u> ).
11C [FCA]	...
11D [FCA]	...
	Territorial application of the <i>Handbook</i>
The auction regulation	
11E [FCA]	Where an <i>incoming EEA firm</i> exercises an <i>EEA right</i> under the <i>auction regulation</i> to provide services or establish a branch in the <i>United Kingdom</i> , it is carrying on <i>auction regulation bidding</i> . Authorisation and supervision of a <i>firm</i> under the <i>auction regulation</i> are almost exclusively matters reserved to the <i>Home State regulator</i> . The only requirements which the <del>FSA</del> <u>FCA</u> has applied as <i>Host State regulator</i> under the <i>auction regulation</i> in respect of <i>auction regulation bidding</i> is on a <i>UK branch</i> in relation to safeguards against money laundering and financial crime as well as a statutory status disclosure obligation and requirements to notify the <del>FSA</del> <u>FCA</u> (see Note 4 of <i>SUP 13A Annex 1G</i> ).

11F [FCA]	...
12. [FCA/ PRA]	...
13. [FCA/ PRA]	...

**13A EEA UCITS management companies: application for approval to manage  
Annex 3R a UCITS scheme established in the United Kingdom**

[FCA] Under paragraph 15A(1) of Part II of Schedule 3 to the *Act*, an *EEA UCITS management company* intending to exercise an *EEA right* to provide *collective portfolio management* services for a *UCITS scheme* must, before it undertakes that activity, obtain the ~~FSA~~ FCA's approval to manage that *UCITS scheme*. *Firms* should use the application form below for this purpose. *Firms* may cross refer to other sources where the information has already been provided to the ~~FSA~~ FCA.

<b>Application by an EEA UCITS management company to manage one or more UCITS schemes established in the United Kingdom (paragraph 15A(1) of Part II of Schedule 3 to the Financial Services and Markets Act 2000).</b>	
...	
Has the <i>management company</i> submitted the information required by COLL 12.3.4R (Provision of documentation to the <del>FSA</del> <u>FCA</u> : EEA UCITS management companies), including the depositary agreement and information on delegation arrangements? Provide details:	
...	
<p>When completed send this form to:  <del>CIS Authorisations</del> <u>Investment Funds Team</u>  The Financial <del>Services</del> <u>Conduct</u> Authority  25 the North Colonnade  London. E14 5HS</p> <p>Or electronically to: <del>eis@fsa.gov.uk</del> <u>recognisedcis@fca.org.uk</u></p>	

**13A Annex 4R**      **Passporting: Emissions Trading. Notice of intention to exercise the right of establishment in the United Kingdom**

[FCA]      This annex consists of only one or more forms. Forms can be completed online now by visiting: <http://www.fsa.gov.uk/Pages/doing/index.shtml>  
[www.fca.org.uk](http://www.fca.org.uk)

The forms are also to be found through the following address: *Passporting: Emissions Trading. Notice of intention to exercise the right of establishment in the United Kingdom - SUP 13A Annex 4R*

**14**      **Incoming EEA firms changing details, and cancelling qualification for authorisation**

**14.1**      **Application and purpose**

...

Purpose

...

14.1.8      G      The FCA and PRA will share with each other relevant information received, as necessary, in order to perform their respective functions.  
[FCA/  
PRA]

**14.2**      **Changes to branch details**

...

Firms passporting under the Banking Consolidation Directive and the UCITS Directive

...

14.2.3      G      Where the change arises from circumstances within the control of the  
[FCA/  
PRA]      *incoming EEA firm*, the requirements in regulation 4(4) are that:

- (1) the *incoming EEA firm* has given notice to the *FSA appropriate UK regulator* (see SUP 14.4.1G) and to its *Home State regulator* stating the details of the proposed change;
- (2) the *FSA appropriate UK regulator* has received a notice stating those details; and
- (3) either:

- (a) the *FSA appropriate UK regulator* has informed the firm that it may make the change; or
- (b) the period of one month beginning with the date on which the *incoming EEA firm* gave the *FSA appropriate UK regulator* the notice mentioned in (1) has elapsed.

14.2.4 [FCA/  
PRA] G Changes to the *requisite details* may lead to changes to the *applicable provisions* to which the *incoming EEA firm* is subject. The *FSA appropriate UK regulator* will, as soon as practicable after receiving a notice in SUP 14.2.3G or SUP 14.2.8G, inform the *incoming EEA firm* of any consequential changes in the *applicable provisions* (regulation 4(6)).

#### Firms passporting under the Insurance Directives

...

14.2.6 PRA G Where the change arises from circumstances within the control of the *incoming EEA firm*, the relevant requirements in regulation 6(4) are that:

- (1) the *incoming EEA firm* has given a notice to the *FSA PRA* (see SUP 14.4.1G) and to its *Home State regulator* stating the details of the proposed change;
- (2) the *FSA PRA* has received from the *Home State regulator* a notice stating that it has approved the proposed change;
- (3) the period of at least one month beginning with the day on which the *incoming EEA firm* gave the *FSA PRA* the notice in (1) has elapsed; and
- (4) either:
  - (a) a further period of one month has elapsed; or
  - (b) the *FSA PRA* has informed the *Home State regulator* of any consequential changes in the *applicable provisions*.

...

#### Changes arising from circumstances beyond the control of an incoming EEA firm passporting under the Banking Consolidation Directive, UCITS Directive or Insurance Directive

14.2.8 [FCA/  
PRA] G If the change arises from circumstances beyond the *incoming EEA firm's* control, the *firm* is required by regulation 4(5) (see SUP 14.2.2G) or regulation 6(5) (see SUP 14.2.5G(2)) to give a notice to the *FSA appropriate UK regulator* (see SUP 14.4.1G) and to its *Home State regulator* stating the details of the change as soon as reasonably practicable.

14.2.9 [FCA/ PRA] G The *FSA appropriate UK regulator* believes that for a change to arise from circumstances beyond the control of an *incoming EEA firm*, the

PRA] circumstances should be outside the control of the *firm* as a whole and not just its UK branch. For example, the *FSA appropriate UK regulator* considers that this provision would be unlikely to apply to circumstances in which lack of planning at the *incoming EEA firm's* head office resulted in a problem arising in a *UK branch* which was outside its control. In practice, therefore, use of this provision is likely to be rare.

#### Firms passporting under MiFID

...

14.2.12 G Changes to the *requisite details* may lead to changes to the applicable [FCA/ provisions to which the *EEA MiFID investment firm* is subject. The *FSA PRA] appropriate UK regulator* will, as soon as practicable after receiving a notice in SUP 14.2.11G inform the *EEA MiFID investment firm* of any consequential changes in the applicable provisions.

...

### 14.3 Changes to cross border services

...

#### Firms passporting under the UCITS Directive

...

14.3.3 G The relevant requirements in regulation 5(3) are that: [FCA]

- (1) the *incoming EEA firm* has given a notice to the *FSA FCA* (see SUP 14.4.1G) and to its *Home State regulator* stating the details of the proposed change;
- (2) if the change arises from circumstances beyond the *incoming EEA firm's* control, that firm has, as soon as practicable, given to the *FSA appropriate UK regulator* and to its *Home State regulator* the notice in (1).

14.3.3A G [deleted]

14.3.4 G Under regulation 5(4), the *FSA FCA* is required, as soon as practicable after [FCA/ receiving the notice in SUP 14.3.3G, to inform the *incoming EEA firm* of PRA] any consequential changes in the *applicable provisions*.

#### Firms passporting under MiFID

...

14.3.4C G Under regulation 5(4), the *FSA FCA* is required, as soon as practicable after

[FCA] receiving the notice in SUP 14.3.4BG, to inform the *incoming EEA firm* of any consequential changes in the applicable provisions.

...

Firms passporting under the Insurance Directives

...

14.3.6 G The relevant provisions are those set out in regulation 7(4), namely that:  
PRA

...

(2) the *Home State regulator* has passed on to the ~~FSA~~ PRA the information contained in that notice.

...

#### 14.4 Notices of proposed changes: form and delivery

14.4.1 G (1) Regulation 7 to 9 of the Financial Services and Markets Act 2000  
[FCA/ (Services of Notices) Regulations 2001 (SI 2001/1420) govern the  
PRA] manner in which notices may be submitted to the ~~FSA~~ regulators  
under the *EEA Passport Rights Regulations*. In summary, they should  
be delivered or posted to the ~~FSA's~~ appropriate UK regulator's  
address (See ~~(2)~~ below) and will be treated as given when received by  
the ~~FSA~~ appropriate UK regulator. They should not be sent by fax or  
electronic mail.

(2) ~~The address for notices is: The Passport Notifications Unit, The  
Financial Services Authority, 25 The North Colonnade, Canary  
Wharf, London, E14 5HS [deleted]~~

14.4.1A G The address for FCA notices is: The Passport Notifications Unit, The  
FCA Financial Conduct Authority, 25 The North Colonnade, Canary Wharf,  
London, E14 5HS.

14.4.1B G The address for PRA notices is: PRA authorisations team, The Prudential  
PRA Regulation Authority, 20 Moorgate, London, EC2R 6DA.

#### 14.5 Variation of a top-up permission to carry on regulated activities outside the scope of the Single Market Directives or the auction regulation

14.5.1 G Where an *incoming EEA firm* has been granted *top-up permission* by the  
[FCA/ ~~FSA~~ appropriate UK regulator and wishes to vary that *permission*, the *Act*  
PRA] requires it to apply to the ~~FSA~~ appropriate UK regulator for a variation of  
the *top-up permission*.

14.5.2 G ~~Guidance~~ Guidance on the procedures for applying for a variation of a  
[FCA/ *permission* granted under Part IV 4A of the Act, including a *top-up*  
PRA] *permission*, is given in SUP 6 (Applications to vary and cancel Part IV 4A  
Permission).

## 14.6 Cancelling qualification for authorisation

Incoming EEA firms

...

14.6.2 G In addition, under section 34(2) an *incoming EEA firm* may ask the ~~FSA~~  
[FCA/ appropriate UK regulator to give a direction cancelling its *authorisation*  
PRA] under Schedule 3 to the Act.

...

14.6.3 G Regulation 8 states that where an *incoming EEA firm* which qualifies for  
[FCA/ *authorisation* under Schedule 3:  
PRA]

(1) has ceased, or is to cease, to carry on *regulated activities* in the *United Kingdom*; and

(2) gives notice of that fact to the ~~FSA~~ appropriate UK regulator;

the notice is treated under regulation 8 as a request for cancellation of the *incoming EEA firm's* qualification for *authorisation* under Schedule 3 to the Act and so as a request under section 34(2) of the Act.

Auction regulation bidding: notification rule

14.6.3A R An *EEA firm* that has exercised an *EEA right* under the *auction regulation*  
[FCA] to establish a branch in the *United Kingdom* must notify the ~~FSA~~ FCA by  
email to ~~emissionstrading@fsa.gov.uk~~ emissionstrading@fca.org.uk when  
it ceases to carry on *regulated activities* through a branch passport in the  
*United Kingdom* or whenever possible thereafter.

14.6.3B G The sole purpose of the notification in SUP 14.6.3AR is to inform the ~~FSA~~  
[FCA] FCA that it may discontinue its supervision of the *UK* branch of the  
*incoming EEA firm's* compliance with the *applicable provisions*. The  
*applicable provisions* that apply to that branch are set out in SUP 13A  
Annex 1G (Application of the Handbook to Incoming EEA Firms).

14.6.4 G Where a *financial institution* (that is, a subsidiary of a *credit institution*) is  
PRA] passporting under the *Banking Consolidation Directive* (see SUP  
14.6.1G(2)), regulation 9(1) states that the *incoming EEA firm* may request  
the ~~FSA~~ PRA to direct that its qualification for *authorisation* under Schedule  
3 to the Act is cancelled from such date as may be specified in the direction.



- 14.6.5 PRA G The *FSA PRA* may not, however, give a direction referred to in *SUP* 14.6.4G unless:
- ...
- (2) the *FSA PRA* has agreed with the *Home State regulator* that the direction should be given.
- 14.6.6 PRA G Regulation 9(3) requires that the date specified by the *FSA PRA* in a direction referred to in *SUP* 14.6.4G:
- ...
- (2) subject to (1), is as agreed between the *FSA PRA* and the *incoming EEA firm's Home State regulator*.
- 14.6.7 PRA G The *FSA PRA* is required to send, as soon as practicable, a copy of the direction to the *incoming EEA firm* and to its *Home State regulator* (regulation 9(4)).
- 14.6.8 PRA G Where the *FSA PRA* gives a direction referred to in *SUP* 14.6.4G, the *incoming EEA firm* may apply for *Part IV permission Part 4A permission* (see the *FSA PRA* website "[How do I get authorised](http://www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx)": [www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx](http://www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx) to take effect not earlier than the date that its qualification for *authorisation* is cancelled (as specified in the direction).

#### Incoming Treaty firms

- 14.6.9 [FCA/PRA] G ...
- 14.6.10 [FCA/PRA] G In addition, under section 35(2) an *incoming Treaty firm* may ask the *FSA appropriate UK regulator* to give a direction cancelling its *authorisation* under Schedule 4 to the *Act*.

#### UCITS qualifiers

- 14.6.11 FCA G Section 36 of the *Act* states that a *UCITS qualifier* may ask the *FSA FCA* to give a direction cancelling its *authorisation* under paragraph 1(1) of Schedule 5 to the *Act*. *UCITS qualifiers* should also refer to *COLLG* 3.1.11G (Revocation of recognition of overseas schemes (section 279)).

### 14.7 Cancellation of a top-up permission to carry on regulated activities outside the scope of the Single Market Directives or the auction regulation

- 14.7.1 [FCA/ G Where an *incoming EEA firm*, an *incoming Treaty firm* or a *UCITS qualifier* wishes to cancel its *top-up permission*, either with or without cancellation of its qualification for *authorisation* under Schedule 3, 4, or 5 to the *Act*, it

PRA] should make an application following the procedures set out in *SUP 6* (Applications to vary and cancel Part ~~IV~~ 4A Permission).

## 14.8 Further guidance

14.8.1 G For further *guidance* on passporting procedures, an *incoming EEA firm*  
[FCA/ ~~should~~ may contact the ~~FSA's Passport Notifications Unit~~ FCA or PRA  
PRA] ~~authorisations team~~, or their usual supervisory contact at the ~~FSA~~  
appropriate UK regulator. *Incoming Treaty firms* and *UCITS qualifiers*  
~~should~~ may speak to their ~~usual~~ supervisory contact at the ~~FSA~~ appropriate  
UK regulator in the first instance.

**SCHEDULE A**

**Part 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 59 (Approval for particular arrangements)	Section 59	Section 59
Section 72 (The competent authority)	Part VI	None
Section 73A (Part 6 Rules)	Section 73A	None
Section 74 (The official list)	Section 74	None
Section 75 (Applications for listing)	Section 75	None
Section 77 (Discontinuance and suspension of listing)	Section 77	None
Section 79 (Listing particulars and other documents)	Section 79	None
Section 80 (General duty of disclosure in listing particulars)	Section 80	None
Section 81 (Supplementary listing particulars)	Section 81	None
Section 84 (Matters which may be dealt with by prospectus rules)	Section 84	None
Section 85 (Prohibition of dealing etc in transferable securities without approved prospectus)	Section 85	None
Section 87 (Election to have prospectus)	Section 87	None
Section 87A (Criteria for approval of prospectus by	Section 87A	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
competent authority)		
Section 87B (Exemptions from disclosure)	Section 87B	None
Section 87G (Supplementary prospectus)	Section 87G	None
Section 88 (Sponsors)	Section 88	None
Section 89 (Public censure of sponsor)	Sections 88A-88F	None
Section 89A (Transparency rules)	Section 89A	None
Section 89B (Provision of voteholder information)	Section 89B	None
Section 89C (Provision of information by issuers of transferable securities)	Section 89C	None
Section 89D (Notification of voting rights held by issuer)	Section 89D	None
Section 89E (Notification of proposed amendment of issuer's constitution)	Section 89E	None
Section 89F (Transparency rules: interpretation etc)	Section 89F	None
Section 89G (Transparency rules: other supplementary provisions)	Section 89G	None
Section 89O (Corporate governance rules)	Section 89O	None
Section 96 (Obligations of issuers of listed securities)	Section 96	None
Section 96A (Disclosure of information requirements)	Section 96A	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 96C (Suspension of trading)	Section 96C	None
Section 99 (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Section 99(1) and (2) (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31
Section 100 (Penalties)	Sections 312J and 312K, and schedule 1ZA, Part 2.	None
Section 101 (Part 6 rules: general provisions)	Sections 101 and 137T.	None.
Section 118(8) (Market abuse)	Section 118(8)	None
Section 136(2) (Funding of the legal assistance scheme)	Section 136(2)	None
Section 138 (General rule-making power)	Section 137A	Section 137G
Section 138(1) (General rule-making power)	Section 137A(1)	Section 137G(1)
Section 139 (Miscellaneous ancillary matters)	Section 137B	None
Section 139(4) (Miscellaneous ancillary matters)	Section 137B(3)	None
Section 139A (General rules about remuneration)	Sections 137H and 137I	Sections 137H and 137I
Section 140 (Restrictions on managers of certain collective investment schemes)	Section 137A(1)	Section 137G(1)
Section 141 (Insurance business rules)	Section 137A(1)	Section 137G(1)
Section 142(2) (Insurance	Section 137A(1)	Section 137G(1)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
business: regulations supplementing Authority's rules)		
Section 144 (Price stabilising rules)	Section 137Q	None
Section 145 (Financial promotion rules)	Section 137R	None
Section 146 (Money laundering rules)	Section 137A(1)	None
Section 147 (Control of information rules)	Section 137P	Section 137P
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 149 (Evidential provisions)	Section 138C	Section 138C
Section 150(2) (Actions for damages)	Section 138D(3)	Section 138D(1)
Section 156 (General supplementary powers)	Section 137T	Section 137T
Section 213 (The compensation scheme) (including as referred to in section 216(5) (Continuity of long-term insurance policies) and section 217(7) (Insurers in financial difficulties)	Section 213	Section 213
Section 214 (General)	Section 214	Section 214
Section 215 (Rights of the scheme in relevant person's insolvency)	Section 215	Section 215
Section 216 (Continuity of long-term insurance policies)	Section 216	Section 216

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 217 (Insurers in financial difficulties)	Section 217	Section 217
Section 218(2)(b) (Annual report)	Section 218(2)(b)	Section 218(2)(b)
Section 223 (Management expenses)	Section 223	Section 223
Section 223C (Payments in error)	Section 223C	Section 223C
Section 224F (Rules about relevant schemes)	Section 224F	Section 224F
Section 226 (Compulsory jurisdiction) (including as applied by regulation 125 of the Payment Services Regulations 2009 (SI 2009/209))	Section 226	None
Section 226A(7) (Consumer credit jurisdiction)	Section 226A(7)	None
Section 229 (Awards)	Section 229	None
Section 234 (Industry funding)	Section 234	None
Section 238(5) (Restrictions on promotion)	Section 238(5)	None
Section 239 (Single property schemes)	Section 239	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 247 (Trust scheme rules)	Section 247	None
Section 248 (Scheme particulars rules)	Section 248	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 278 (Rules as to scheme particulars)	Section 278	None
Section 283(1) (Facilities and information in UK)	Section 283(1)	None
Section 293 (Notification requirements)	Section 293	Section 293
Section 293(1) (Notification requirements)	Section 293(1)	Section 293(1)
Section 295 (Notification: overseas investment exchanges and overseas clearing houses)	Section 295	Section 295
Section 300B (Duty to notify proposal to make regulatory provision)	Section 300B	Section 300B
Section 322 (Rules applicable to former underwriting members)	None	Section 322
Section 332(1) (Rules in relation to persons to whom the general prohibition does not apply)	Section 332(1)	None
Section 340 (Appointment)	Section 340	Section 340
Paragraph 17 (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Paragraph 17(1) (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23(1).	Schedule 1ZB, Paragraph 31(1).
Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial	Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial	None



Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Education Body)	Education Body)	
Paragraph 12(1) (Funding of the relevant costs by authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	Paragraph 12(1) (Funding of the relevant costs by authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	None
Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)
Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI	None
Paragraphs 1 (General), 4 (Rules), and 7 (Fees) of Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI and Schedule 1ZA Paragraph 23	None
Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	None
Paragraph 13(4) (Authority's procedural rules) of Schedule 17 (The Ombudsman Scheme) to the Act	Paragraph 13(4) of Schedule 17	None

**SCHEDULE A**

**Part 2**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 6(1) (FSA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulation 6(1) (FCA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	None
Article 4(1) (Designation of pre-commencement provisions) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 137A(1)	Section 137G(1)
Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	None
The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)	None	The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)
Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).
Articles 9 (Designation of existing provisions to take effect as rules) and 10 (Modifications of existing provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Section 137A(1)	Section 137G(1)
Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	None
Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and	Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and	None.

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)	Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706).	
Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454)	Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454).	None
Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)
Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services Regulations 2009 (SI 2009/209)	Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services Regulations 2009 (SI 2009/209).	None
Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009	Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
(SI 2009/209)	(SI 2009/209).	
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	None
Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	None
Articles 3 (Further power for Authority to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259)	None	Article 3 (Further power for PRA to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259).
Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations	Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
2008 (SI 2008/346)	legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	

**SCHEDULE A**

**Part 3**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued codes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(2) (Conduct: statements and codes)	Section 64(2)	Section 64(2)
Section 119 (The code)	Section 119	None
Section 120 (Provisions included in the Authority's code by reference to the City Code)	Section 120	None
Section 121 (Codes: procedure)	Section 121	None

**SCHEDULE A**

**Part 4**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 63C(1) (Statement of policy)	Section 63C(1)	Section 63C(1)
Section 64 (Conduct: statements and codes)	Section 64	Section 64
Section 64(1) (Conduct: statements and codes)	Section 64(1)	Section 64(1A)
Section 69 (Statement of policy) (including as applied by paragraph 1 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 1 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 69	Section 69
Section 69(1) (Statement of policy)	Section 69(1)	Section 69(1)
Section 93 (Statement of policy)	Section 93	None
Section 93(1) (Statement of policy)	Section 93(1)	None
Section 124 (Statement of policy)	Section 124	None
Section 124(1) (Statement of policy)	Section 124(1)	None
Section 131J(1) (Statement of policy)	Section 131J(1)	None
Section 165B(6) (Safeguards etc in relation to exercise of power under section 165A)	None	Section 165B(6)



Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 169(9) (Investigations etc in support of overseas regulator) (including as applied by paragraph 3 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 3 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 169(9)	Section 169(9)
Section 210 (Statements of policy) (including as applied by regulation 86(6) of the Payment Services Regulations 2009 (SI 2009/209) and regulation 53 (6) of the Electronic Money Regulations 2011 (SI 2011/99).)	Section 210	Section 210
Section 210(1) (Statements of policy)	Section 210(1)	Section 210(1)
Section 395 (The Authority's procedures) (including as applied by paragraph 7 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 8 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 395	Section 395
Section 395(5) (The Authority's procedures)	Section 395(5)	Section 395(5)
Section 404(3) (Consumer redress schemes)	Section 404(3)	None
Section 404A (Rules under s404: supplementary)	Section 404A	None



**SCHEDULE A**

**Part 5**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

**SCHEDULE A**

**Part 6**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 51 (Applications under this Part)	Section 55U	Section 55U
Section 60 (Applications for approval)	Section 60	Section 60
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 182 (Notification)	Section 179	None
Section 218A (Authority's power to require information)	Section 218A	Section 218A
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 250 (Modification or waiver of rules)	Section 250	None
Sections 250(4) and (5) (Modification or waiver of rules)	Sections 250(4) and (5)	None
Section 270(6)(b) (Schemes authorised in designated countries or territories)	Section 270(6)(b)	None
Section 274 (Applications for recognition of individual schemes)	Section 274	None
Section 287 (Application by an investment exchange)	Section 287	None
Section 294 (Modification or waiver of rules)	Section 294	Section 294
Section 294(2) (Modification	Section 294(2)	Section 294(2)

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
or waiver of rules)		
Section 316 (Direction by Authority)	Section 316	Section 316
Section 317 (The core provisions)	Section 317	Section 317
Section 318 (Exercise of powers through Council)	Section 318	Section 318
Paragraph 5(4) (Notice to Authority) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)

**SCHEDULE A**

**Part 7**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority directed, required or specified</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	<b>None</b>
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	<b>None</b>

**SCHEDULE A**

**Part 8**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made complaints schemes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 7 (Arrangements for the investigation of complaints) of Schedule 1 (The Financial Services Authority)	Part 6 of the Financial Services Act 2012	Part 6 of the Financial Services Act 2012

**SCHEDULE A**

**Part 9**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 157 (Guidance)	Section 139A	None
Section 157(1) (Guidance)	Section 139A(1)	None
Section 158A (Guidance on outsourcing by investment firms and credit institutions)	None	None



**SCHEDULE A**

**Part 10**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Article 11(1) (Guidance) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 139A(1)	None
Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	None
Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	None
Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	None
Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 14 (Guidance) of the Cross-Border Payments in Euro Regulations 2010 (SI 2010/89)	Regulation 15 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 (SI 2012/3122)	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None