

**LEGAL CUTOVER (VARIATION OF PERMISSION (AMENDMENT NO 2))
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 .

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) "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;
 - (8) "Relevant Instrument" has the meaning in section 119(6)(b) of the 2012 Act;
 - (9) "FSA Instrument" means an instrument published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument; and
 - (10) "FCA Relevant Instrument" means a Relevant Instrument designated by the Financial Conduct Authority under paragraph 2.

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 B 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, issues, gives, or imposes:
- (1) Each provision in Annex B to this Instrument that meets all of the conditions in paragraph 7; and
 - (2) Any amendment that is not a modification made in accordance with paragraph 5 specified in a provision in Annex B to this Instrument that meets all of the conditions in paragraph 8.
- 7 The conditions referred to in paragraph 6(1) are that a provision is:
- (1) Identified as “Made” in Column 2 of Annex A to this Instrument; and
 - (2) Identified as “FCA” in Column 3 of Annex A to this Instrument.
- 8 The conditions referred to in paragraph 6(2) are that a provision is:
- (1) identified as “Designated” in Column 2 of Annex A to this Instrument; and
 - (2) identified as “FCA” in Column 3 of Annex A to this Instrument,
- 9 The Financial Conduct Authority makes, amends, issues, gives or imposes the provisions in paragraph 6 in exercise of section 139A (Power of the FCA to give guidance and related provisions of the 2000 Act, as amended by the 2012 Act:

Commencement: Financial Conduct Authority

- 10 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 come into effect on 1 April 2013.
- 11 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into force 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.

Amendments to the Handbook

- 13 The Supervision manual (SUP) of the FCA's Handbook of rules and guidance is amended in accordance with Annex B to this Instrument.

Citation

14. This Instrument may be cited as the Legal Cutover (Variation of Permission (Amendment No 2)) 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

Annex A

| (1) | (2) | (3) |
|--------------------|--|-------------|
| Handbook Provision | Made, designated or no longer in force after legal cutover | Designation |
| SUP 7.1.1 | Designated | FCA |
| SUP 7.1.2 | Designated | FCA |
| SUP 7.1.3 | Designated | FCA |
| SUP 7.1.4 | Designated | FCA |
| SUP 7.1.5 | Designated | FCA |
| SUP 7.2.1 | Designated | FCA |
| SUP 7.2.2 | Designated | FCA |
| SUP 7.2.3 | Designated | FCA |
| SUP 7.2.4 | Designated | FCA |
| SUP 7.2.4A | Made | FCA |
| SUP 7.2.4B | Made | FCA |
| SUP 7.2.5 | Designated | FCA |
| SUP 7.2.6 | Designated | FCA |
| SUP 7.3.1 | Designated | FCA |
| SUP 7.3.2 | Designated | FCA |
| SUP 7.3.3 | Designated | FCA |
| SUP 7.3.4 | Designated | FCA |

Annex B

Amendments to the Supervision manual (SUP)

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

7 Individual requirements

7.1 Application and purpose

Application

- 7.1.1 G This chapter applies to every *firm* which has a ~~Part IV permission~~ Part 4A permission.
- 7.1.2 G The application of this chapter to an *incoming EEA firm, incoming Treaty firm* or *UCITS qualifier* with a ~~Part IV permission~~ Part 4A permission (a “*top-up permission*”) is limited as explained in SUP 7.2.4G.

Purpose

...

- 7.1.4 G The ~~FSA~~ FCA, in the course of its supervision of a *firm*, may sometimes judge it necessary or desirable to impose additional *requirements* on a *firm* or in some way amend or restrict the activities which the *firm* has *permission* to undertake. The *guidance* in this chapter describes when and how the ~~FSA~~ FCA will seek to do this.
- 7.1.5 G By waiving or modifying the requirements of a *rule* or imposing an additional *requirement* or *limitation*, the ~~FSA~~ FCA can ensure that the *rules*, and any other *requirements* or *limitations* imposed on a *firm*, take full account of the *firm*’s individual circumstances, and so assist the ~~FSA~~ FCA in meeting ~~the its regulatory objectives (for example, to protect consumers, maintain market confidence and contribute to financial stability)~~ statutory objectives under the Act.

7.2 The ~~FSA~~’s FCA’s powers to set individual requirements and limitations on its own initiative

- 7.2.1 G The ~~FSA~~ FCA has the power under ~~section 45~~ sections 55J and 55L of the Act (~~Variation on the Authority’s own initiative~~) to vary a *firm*’s ~~Part IV permission~~ Part 4A permission and/or impose a *requirement* on a *firm*. ~~This Varying a firm’s Part 4A permission~~ includes imposing a statutory requirement or limitation on that ~~Part IV permission~~ Part 4A permission.
- 7.2.2 G The circumstances in which the ~~FSA~~ FCA may vary a *firm*’s ~~Part IV permission~~

Part 4A permission on its own initiative or impose a requirement on a firm under section ~~45~~ 55J or 55L of the Act include where it appears to the ~~FSA~~ FCA that:

- (1) one or more of the threshold conditions for which the FCA is responsible is or is likely to be no longer satisfied; or
- (2) it is desirable to vary a firm's permission in order to meet any of the ~~FSA's~~ FCA's regulatory objectives statutory objectives under the Act; or
- (3) a firm has not carried out a regulated activity to which its Part 4A permission applies for a period of at least 12 months.

7.2.3 G The ~~FSA~~ FCA may also use its ~~powers under section 45~~ own-initiative powers for enforcement purposes. EG 8 sets out in detail the ~~FSA's~~ FCA's powers under ~~section 45~~ sections 55J and 55L of the Act and the circumstances under which the ~~FSA~~ FCA may ~~vary a firm's permission~~ use its own-initiative powers in this way, whether for enforcement purposes or as part of its day to day supervision of firms. This chapter provides additional guidance on when the ~~FSA~~ FCA will use these powers for supervision purposes.

7.2.4 G The ~~FSA~~ FCA may use its ~~powers under section 45 of the Act~~ own-initiative powers only in respect of a firm's Part IV permission Part 4A permission; that is, a permission granted to a firm under sections ~~42~~ 55E or 55F of the Act or having effect as if so given. In respect of an incoming EEA firm, an incoming Treaty firm, or a UCITS qualifier, this power applies only in relation to any top-up permission that it has. There are similar but more limited powers under Part XIII of the Act in relation to the permission of an incoming EEA firm or incoming Treaty firm under Schedules 3 or 4 to the Act (see EG 8.26 to EG 8.27).

7.2.4A G The FCA will consult the PRA before using its own-initiative powers in relation to a PRA-authorised person, or a member of a group which includes a PRA-authorised person.

7.2.4B G In the case of a dual-regulated PRA-authorised person, the FCA may exercise its own-initiative variation power to add a new regulated activity other than a PRA-regulated activity to those activities already included in the firm's Part 4A permission, or to widen the description of a regulated activity, only after consulting with the PRA.

7.2.5 G If the ~~FSA~~ FCA exercises its ~~powers under section 45 of the Act~~ own-initiative powers, it will do so by issuing a supervisory notice. The procedure that will be followed is set out in DEPP 2.

7.2.6 G A firm has a right of referral to the Tribunal in respect of the ~~exercise by the FSA of its powers to vary, on its own initiative,~~ FCA exercising its own-initiative powers on the firm's Part IV permission Part 4A permission.

7.3 Criteria for varying a firm's permission or imposing, varying or cancelling requirements on the FCA's own initiative

- 7.3.1 G The ~~FSA~~ FCA expects to maintain a close working relationship with certain types of *firm* and expects that routine supervisory matters arising can be resolved during the normal course of this relationship by, for example, issuing individual *guidance* where appropriate (see *SUP* 9.3). However, ~~the FSA may seek to vary a firm's Part IV permission~~ where the FCA deems it appropriate, it will exercise its own-initiative powers:
- (1) in circumstances where it considers it appropriate for the *firm* to be subject to a formal *requirement*, breach of which could attract enforcement action; or
 - (2) if a variation is needed to enable the *firm* to comply with the *requirement*, due to agreements the *firm* may have with third parties. (For example a *firm* may be under a contractual obligation to do something, but only if it can do so lawfully. In this case, if the ~~FSA~~ FCA considers the *firm* must not do it, then the ~~FSA~~ FCA would need to prevent it doing so through a variation in its ~~Part IV permission~~ Part 4A permission to enable the *firm* to avoid breaching the contractual obligation.)
- 7.3.2 G The ~~FSA~~ FCA may also seek to ~~vary a firm's Part IV permission on its own initiative in certain situations~~ exercise its own-initiative powers in certain situations, including the following:
- (1) If the ~~FSA~~ FCA determines that a *firm's* management, business or *internal controls* give rise to material risks that are not fully addressed by ~~its rules existing requirements~~, the ~~FSA~~ FCA may seek to ~~vary the firm's Part IV permission and impose an additional requirement or limitation on the firm~~ use its own-initiative powers.
 - (2) If a *firm* becomes or is to become involved with new products or selling practices which present risks not adequately addressed by existing requirements, the ~~FSA~~ FCA may seek to vary the *firm's Part IV permission* Part 4A permission in respect of those risks.
 - (3) If there has been a change in a *firm's* structure, *controllers*, activities or strategy which generate material uncertainty or create unusual or exceptional risks, then the ~~FSA~~ FCA may seek to ~~vary the firm's Part IV permission~~ use its own-initiative powers. (See also *SUP* 11.7.14G to *SUP* 11.7.18G 11.7 for a description of the ~~FSA's~~ FCA's ability to ~~vary a firm's Part IV permission~~ impose a requirement on a change in the acquisition of control of a firm under section 46 55O of the *Act*.)
 - (4) ~~If a firm is a member of a financial conglomerate and the FSA is implementing supplementary supervision under the Financial Groups Directive with respect to that financial conglomerate by imposing obligations on the firm. Further material on this can be found in GENPRU 3.1 (Cross sector groups) and SUP 16.7.82R to SUP 16.7.83R (reporting requirements with respect to financial conglomerates). At the request of, or~~

to assist an overseas regulator as set out in section 55Q of the Act.

- 7.3.3 G ~~The FSA~~ Pursuant to sections 55L, 55N, 55O, 55P and 55Q of the Act, within the scope of its functions and powers, the FCA may seek to impose requirements ~~or limitations~~ which include but are not restricted to:
- (1) requiring a *firm* to submit regular reports covering, for example, trading results, management accounts, *customer* complaints, connected party transactions;
 - (2) where appropriate, requiring a *firm* to maintain prudential limits, for example on large *exposures*, foreign currency *exposures* or liquidity gaps;
 - (3) requiring a *firm* to submit a business plan (~~or for an insurer, a scheme of operations (see SUP App 2)~~);
 - (4) limiting the *firm's* activities;
 - (5) requiring ~~a firm~~ an FCA-*authorised person* to maintain a particular amount or type of financial resources.
- 7.3.4 G The ~~FSA~~ FCA will seek to give a *firm* reasonable notice of an intent to vary its permission or impose a requirement and to agree with the *firm* an appropriate timescale. However, if the ~~FSA~~ FCA considers that a delay may create a risk to any of the ~~FSA's regulatory objectives~~ FCA's statutory objectives, the ~~FSA~~ FCA may need to act immediately using its powers under section ~~45~~ 55J and/or 55L of the Act ~~to vary a firm's Part IV permission~~ with immediate effect.

SCHEDULE A

Part 1

| Column 1 | Column 2 | Column 3 |
|--|--|--|
| Provisions of the 2000 Act under which the Authority made rules | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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 competent authority) | Section 87A | None |

| Column 1 | Column 2 | Column 3 |
|--|--|--|
| Provisions of the 2000 Act under which the Authority made rules | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation 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 |
| Section 96C (Suspension of | Section 96C | None |

| Column 1 | Column 2 | Column 3 |
|---|--|--|
| Provisions of the 2000 Act under which the Authority made rules | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| trading) | | |
| 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 business: regulations supplementing Authority's) | Section 137A(1) | Section 137G(1) |

| Column 1 | Column 2 | Column 3 |
|--|--|--|
| Provisions of the 2000 Act under which the Authority made rules | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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 |
| Section 217 (Insurers in financial difficulties) | Section 217 | Section 217 |

| Column 1 | Column 2 | Column 3 |
|---|--|--|
| Provisions of the 2000 Act under which the Authority made rules | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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 |
| Section 278 (Rules as to scheme particulars) | Section 278 | None |

| Column 1 | Column 2 | Column 3 |
|---|---|--|
| Provisions of the 2000 Act under which the Authority made rules | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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 Education Body) | Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial Education Body) | None |
| Paragraph 12(1) (Funding of the relevant costs by | Paragraph 12(1) (Funding of the relevant costs by | None |

| Column 1 | Column 2 | Column 3 |
|---|---|---|
| Provisions of the 2000 Act under which the Authority made rules | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body) | authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body) | |
| 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

| Column 1 | Column 2 | Column 3 |
|---|---|---|
| Provisions of other enactments under which the Authority made rules | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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 commencement), 9A | Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A | Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A |

| Column 1 | Column 2 | Column 3 |
|--|--|--|
| Provisions of other enactments under which the Authority made rules | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| (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). | (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). | (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 Markets Act 2000) of the | Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and Markets Act 2000) of the | None. |

| Column 1 | Column 2 | Column 3 |
|--|---|--|
| Provisions of other enactments under which the Authority made rules | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706) | 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 (SI 2009/209) | Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209). | None |

| Column 1 | Column 2 | Column 3 |
|--|---|---|
| Provisions of other enactments under which the Authority made rules | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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 2008 (SI 2008/346) | 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 | None |

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

SCHEDULE A**Part 3**

| Column 1 | Column 2 | Column 3 |
|---|--|--|
| Provisions of the 2000 Act under which the Authority issued codes | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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

| Column 1 | Column 2 | Column 3 |
|--|--|--|
| Provisions of the 2000 Act under which the Authority issued statements | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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 |
|--|---|---|
| Provisions of the 2000 Act under which the Authority issued statements | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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

| Column 1 | Column 2 | Column 3 |
|--|---|--|
| Provisions of other enactments under which the Authority issued statements | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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

| Column 1 | Column 2 | Column 3 |
|--|--|--|
| Provisions of the 2000 Act under which the Authority directed, required or specified: | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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 or waiver of rules) | Section 294(2) | Section 294(2) |

| Column 1 | Column 2 | Column 3 |
|--|---|---|
| Provisions of the 2000 Act under which the Authority directed, required or specified: | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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

| Column 1 | Column 2 | Column 3 |
|--|---|--|
| Provisions of other enactments under which the Authority directed, required or specified | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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). | None |
| 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 |

SCHEDULE A**Part 8**

| Column 1 | Column 2 | Column 3 |
|---|--|--|
| Provisions of the 2000 Act under which the Authority made complaints schemes | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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**

| Column 1 | Column 2 | Column 3 |
|--|--|--|
| Provisions of the 2000 Act under which the Authority gave guidance | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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**

| Column 1 | Column 2 | Column 3 |
|---|---|--|
| Provisions of other enactments under which the Authority gave guidance | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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 |
|---|--|--|
| Provisions of other enactments under which the Authority gave guidance | Corresponding provisions: Financial Conduct Authority | Corresponding provisions: Prudential Regulation Authority |
| 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 |