

**GENERAL PROVISIONS (AMENDMENT) INSTRUMENT 2015**

**Powers exercised**

- A. The Financial Conduct Authority makes this instrument in the exercise of the powers and related provisions in or under:
- (1) the following sections of the Financial Services and Markets Act 2000 (“the Act”):
    - (a) section 137A (The FCA’s general rules);
    - (b) section 137T (General supplementary powers); and
    - (c) section 139A (Power of the FCA to give guidance); and
  - (2) the other powers and related provisions listed in Schedule 4 (Powers exercised) to the General Provisions of the Handbook.
- B. The rule-making powers listed above are specified for the purpose of section 138G (Rule-making instruments) of the Act.

**Commencement**

- C. This instrument comes into force on 4 December 2015.

**Amendments to the Handbook**

- D. The General Provisions (GEN) are amended in accordance with the Annex to this instrument.

**Citation**

- E. This instrument may be cited as the General Provisions (Amendment) Instrument 2015.

By order of the Board  
3 December 2015

## Annex

## Amendments to the General Provisions (GEN)

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

## 2.2 Interpreting the Handbook

...

Cross-references in the Handbook

...

2.2.13A R Unless a contrary intention appears, to the extent that a provision made by the ~~appropriate regulator~~ FCA ('the referring provision') contains a cross-reference to another provision that is not made by ~~that regulator~~ the FCA including a provision formerly made by the PRA which the PRA has now deleted ('the referred provision'), the referred provision as amended from time to time (excepting deletion in its entirety) is to be ~~taken to have~~ treated as having been made by the ~~appropriate regulator~~ FCA to the extent necessary to make the referring provision function with the full effect indicated by the reference.

2.2.13B G The purpose of GEN 2.2.13AR is to ensure that cross references in the FCA Handbook to provisions outside the FCA Handbook are effective, including cross references to material that was formerly in the PRA Handbook but which the PRA has now deleted.

...

Application of provisions made by both the FCA and the PRA

2.2.23 R (1) This *rule* applies to *Handbook* provisions made by both the *FCA* and the *PRA*, and to *Handbook* provisions made by the *FCA* and formerly also made by the *PRA*. It may affect their application by the *FCA* to *PRA-authorised persons* and *PRA approved persons*, ~~and may affect their application by the *PRA* to any *authorised person* or *approved person*.~~

...

...

2.2.25 G Examples of rules being interpreted as cut back by GEN 2.2.23R include the following:

...

(3) *COMP* 5.2.1R sets out types of *protected claims* to be covered by the

*FSCS*. The powers of the *FCA* and the *PRA* to make this type of *rule* are set out in the order made under section 213(1A) of the *Act*. The *rule* must be read as applying only to the extent of those powers. For example, the *PRA* has no power to make *COMP 5.2.1R(3)* creating *protected claims in connection with protected investment business*, and the *FCA* has no power to make *COMP 5.2.1R(1)* as creating *protected claims* for a *protected deposit*. As such, those provisions are to be interpreted as not applied by the *PRA* and *FCA*, respectively.