

**REGULATORY REFORM (FINANCIAL SERVICES AND MARKETS ACT 2000)
ORDER 2007 (CONSEQUENTIAL HANDBOOK AMENDMENTS)
INSTRUMENT 2008**

Powers exercised

- A. The Financial Services Authority makes this instrument in the exercise of the following powers in or under the Financial Services and Markets Act 2000:
- (1) section 73A (Part 6 Rules);
 - (2) section 88(3) (Sponsors);
 - (3) section 96 (Obligations of issuers of listed securities);
 - (4) section 101 (Listing rules: general provisions);
 - (5) section 138 (General rule-making power);
 - (6) section 157(1) (Guidance);
 - (7) section 395 (The Authority's procedures); and
 - (8) paragraphs 1 (General) and 4 (Rules) of Schedule 7 (The Authority as Competent Authority for Part VI).
- B. The rule-making powers listed above are specified for the purposes of section 153(2) (Rule-making instruments) of the Act.

Commencement

- C. This instrument comes into force on 6 February 2008.

Amendments to the Handbook

- D. The modules of the FSA's Handbook 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)
General Provisions (GEN)	Annex A
Supervision manual (SUP)	Annex B
Decision Procedure and Penalties manual (DEPP)	Annex C
Credit Unions sourcebook (CRED)	Annex D
Listing Rules sourcebook (LR)	Annex E

Citation

- E. This instrument may be cited as the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (Consequential Handbook Amendments) Instrument 2008

By order of the Board
24 January 2008

Annex A

Amendments to the General Provisions (GEN)

In this Annex, striking through indicates deleted text.

- 2.2.19 G In principle, it is possible to view a change of partners in a partnership, or a change in the membership of the unincorporated association, as the formation of a new partnership or association. *GEN 2.2.18R* reflects section 32 of the *Act* (Partnerships and unincorporated associations), which provides for the continuing *authorisation* of partnerships and unincorporated associations following a change in partners or members if certain conditions are satisfied. ~~In particular, this continuity does not apply if a *limited liability partnership* or individual sole trader succeeds to the business of a dissolved partnership; *authorisation* of the *limited liability partnership* or sole trader would need to be applied for.~~ *GEN 2.2.18R* ensures a similar effect to section 32 in relation to the status of the partnership or unincorporated associations as a '*firm*' or '*authorised person*' for the purposes of the Handbook.

Annex B

Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text. In some cases where text is being deleted, the text deleted is not shown struck through but the word “[deleted]” appears.

- 8.1.1 R This chapter applies to every:
- (1) firm or person who is subject to FSA rules that wishes to apply for, consent to, or has been given a modification of or waiver of the *FSA’s rules*;
 - (2) *person*, as respects a particular *AUT* or *ICVC*, who wishes to apply for, ~~or~~ consent to, or has been given a modification of or waiver of the rules in *COLL* ~~or, as the case may be, CIS~~.
- 8.1.1A G This chapter is relevant to an applicant for a *Part IV permission*, as if that applicant were a *firm*. Where the chapter refers to usual supervisory contact, the applicant should read this as being the usual contact in ~~Corporate Authorisation~~ the Permissions Department. Further, this chapter is relevant to a person who is subject to rules made by the FSA and where the chapter refers to a firm, this includes that person.
- 8.2.1 G Under section 148 of the *Act* (Modification or waiver of rules), the *FSA* may, on the application or with the consent of a *firm*, direct that ~~certain~~ its rules (see ~~SUP 8.2.6G to SUP 8.2.8G~~):
- ...
- 8.2.6 G ~~The rules which the FSA can waive are listed in section 148(1) and 250(1) of the Act and regulation 7 of the OEIC Regulations, and are set out in SUP 8.2.7G.~~ [deleted]
- 8.2.7 G [deleted]
- 8.2.8 G ~~Schedule 6 identifies those rules that can and cannot be waived.~~ [deleted]
- 21.1.1 G *SUP 21 Annex 1* sets out a form of *waiver* that the *FSA* will be minded to give to *energy market participants* in the exercise of its statutory discretion under section 148 of the *Act* to grant a *waiver* of ~~certain~~ its rules.
- SUP Sch 6 Rules that can be waived
[deleted]

Annex C

Amendments to the Decision Procedure and Penalties manual (DEPP)

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

DEPP 2 Annex 1 Warning notices and decision notices under the Act and certain other enactments

Note: Third party rights and access to *FSA* material apply to the powers listed in this Annex where indicated by an asterisk * (see *DEPP* 2.4)

Section of the Act	Description	Handbook reference	Decision maker
...
78(10)/(11)(a)	when the <i>FSA</i> has suspended, <u>on its own initiative</u> , the listing of securities <u>securities</u> and is proposing/deciding to refuse an application by an <i>issuer</i> for cancellation of the suspension	<u>LR 5</u>	<u>Executive procedures</u>
<u>78A(4)/(5)</u>	<u>When the <i>FSA</i> is proposing or deciding to refuse an application by the <i>issuer</i> of the <i>securities</i> for the discontinuance or suspension of the listing of the <i>securities</i></u>	<u>LR 5</u>	<u>Executive procedures</u>
<u>78A(7)/(8)(a)</u>	<u>When the <i>FSA</i> has suspended the listing of <i>securities</i> on the application of the <i>issuer</i> of the <i>securities</i> and is proposing or deciding to refuse an application by the <i>issuer</i> for the cancellation of the suspension</u>	<u>LR 5</u>	<u>Executive procedures</u>
88(4)/(6)	when the <i>FSA</i> is proposing or deciding to (1) refuse a <i>person's</i> application for approval as a <i>sponsor</i>; or (2) on its own initiative, cancel a <i>person's</i> approval as a <i>sponsor</i>	LR 8	RDC

Annex D

Amendments to the Credit Unions sourcebook (CRED)

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

- 14.7.3 G The *FSA* may, on the application or with the consent of a *credit union*, direct that ~~certain~~ its rules:
- ...
- 14.7.4 G ~~*SUP 8.2.7G* includes a table of the types of *rules* which may be *waived* and *Schedule 6* identifies those *rules* in *CRED* that can be *waived*. [deleted]~~

Annex E

Amendments to the Listing Rules sourcebook (LR)

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

Decision-making procedures for suspension, cancellation etc

- 5.5.1 G The decision-making procedures that the *FSA* will follow when it cancels, suspends or refuses a request by an *issuer* to suspend, cancel or restore listing are set out in *DEPP* (the Decision Procedure and Penalty manual).
- 8.7.22 R A request by a *sponsor* for its approval as a *sponsor* to be cancelled must be in writing and must include:
- ...
- (3) the date on which the *sponsor* requests the cancellation to take effect, ~~after having taken into account LR 8.7.24G (2);~~
- ...
- 8.7.24 G (1) ~~The decision-making procedures that the *FSA* will follow when it cancels a *sponsor's* approval at the *sponsor's* request are set out in *DEPP*. [deleted]~~
- (2) ~~Under the statutory notice procedure set out in *DEPP* a request for cancellation of approval will take a minimum of 8 weeks to take effect. [deleted]~~