

SCHEDULES

SCHEDULE 9

DISCIPLINE AND ENFORCEMENT

PART 6

NOTICE PROCEDURES

- 30 (1) Section 391 (publication) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) In the case of a warning notice falling within subsection (1ZB)—
- (a) neither the regulator giving the notice nor a person to whom it is given or copied may publish the notice,
 - (b) a person to whom the notice is given or copied may not publish any details concerning the notice unless the regulator giving the notice has published those details, and
 - (c) after consulting the persons to whom the notice is given or copied, the regulator giving the notice may publish such information about the matter to which the notice relates as it considers appropriate.
- (1ZA) In the case of a warning notice not falling within subsection (1ZB), neither the regulator giving the notice nor a person to whom it is given or copied may publish the notice or any details concerning it.
- (1ZB) A warning notice falls within this subsection if it is given under—
- (a) section 63B;
 - (b) section 67;
 - (c) section 87M;
 - (d) section 88B;
 - (e) section 89K;
 - (f) section 89R;
 - (g) section 92;
 - (h) section 126;
 - (i) section 131H;
 - (j) section 192L;
 - (k) section 207;
 - (l) section 312G;
 - (m) section 345B (whether as a result of section 345(2) or 345A(3) or section 249(1)).”
- (3) In subsections (1A), (2) and (3), for “Authority” substitute “regulator giving the notice”.

Status: This is the original version (as it was originally enacted).

- (4) In subsection (4)—
- (a) for “The Authority” substitute “The regulator giving a decision or final notice”, and
 - (b) for “a decision notice or final notice” substitute “the notice”.
- (5) In subsection (5), for “Authority” substitute “regulator giving the notice”.
- (6) For subsection (6) substitute—
- “(6) The FCA may not publish information under this section if, in its opinion, publication of the information would be—
- (a) unfair to the person with respect to whom the action was taken (or was proposed to be taken),
 - (b) prejudicial to the interests of consumers, or
 - (c) detrimental to the stability of the UK financial system.
- (6A) The PRA may not publish information under this section if, in its opinion, publication of the information would be—
- (a) unfair to the person with respect to whom the action was taken (or was proposed to be taken),
 - (b) prejudicial to the safety and soundness of PRA-authorized persons, or
 - (c) in a case where section 2C applies, prejudicial to securing the appropriate degree of protection for policyholders.”
- (7) In subsection (7), for “Authority” substitute “regulator”.
- (8) In subsection (7A), for “the Authority” substitute “a regulator”.