

Telephone: 020 7066 9346

Email: enquiries@fs-cp.org.uk

Mark Lewis
Enforcement – Legal Group
The Financial Services Authority
25 The North Colonnade
Canary Wharf
London
E14 5HS

17 January 2013

Dear Mark

CP12/37 The Financial Services Bill: implementing markets powers, decision making procedures and penalties policies**

This is the Financial Services Consumer Panel's response to questions 16 to 18 in Chapter 6 of CP12/37** The Financial Services Bill: implementing markets powers, decision making procedures and penalties policies. We have no specific comments on any other questions in the CP.

Chapter 6 of CP12/37** sets out a clear summary of the proposed amendments to the Decision Procedure and Penalties Manual that will arise from the Financial Conduct Authority's important new powers. We support in particular the proposals that FCA staff under executive procedures should decide whether to:

- Refuse an application to vary a requirement imposed under section 55L of the Financial Services and Markets Act 2000, or to impose a new requirement;
- Exercise the FCA's power under section 55L(1) of FSMA in connection with an application to the Prudential Regulation Authority for a Part 4A permission or the variation of a Part 4A permission;
- Use the financial promotions directions power; and
- Refuse consent to the PRA in respect of applications for permission, variation and approval in relation to dual-regulated firms at both the warning notice stage and the decision notice stage.

We believe that the arrangements set out in Chapter 6 of the Consultation Paper are

entirely appropriate both operationally and in terms of FCA governance.

Yours sincerely

Adam Phillips
Chair
Financial Services Consumer Panel