

# Fees Manual



(1) Fee payer	(2) Fee payable	Due date
(n) Applicants to be added to the list of <i>designated investment exchanges</i>	50,000	On or before the date the application is made
<p>(o) Either:</p> <p>(i) a <i>firm</i> applying to the <i>appropriate regulator</i> for permission to use one of the <i>advanced prudential calculation approaches</i> listed in <b>FEES 3 Annex 6 R</b> (or <i>guidance</i> on its availability), including any future proposed amendments to those approaches or (in the case of any application being made for such permission to the <i>appropriate regulator</i> as <i>EEA</i> consolidated supervisor under the <i>Capital Requirements Regulations 2006</i>) any <i>firm</i> making such an application ; or</p> <p>(ii) in the case of an application to a <i>Home State regulator</i> other than the <i>appropriate regulator</i> for the use of the Internal Ratings Based approach and the <i>Home State regulator</i> requesting the <i>appropriate regulator's</i> assistance in accordance with the <i>Capital Requirements Regulations 2006</i> , any <i>firm</i> to which the <i>appropriate regulator</i> would have to apply any decision to permit the use of that approach.</p>	<p>(1) Unless (2) applies, <b>FEES 3 Annex 6 R</b> .</p> <p>(2) (a) Unless (b) applies a <i>firm</i> submitting a second application for the permission or <i>guidance</i> described in column (1) within 12 months of the first application (where the fee was paid in accordance with (1)) must pay 50% of the fee applicable to it under <b>FEES 3 Annex 6 R</b>, but only in respect of that second application</p> <p>(b) No fee is payable by a <i>firm</i> in relation to a successful application for a permission based on a minded to grant decision in respect of the same matter following a complete application for <i>guidance</i> in accordance with prescribed submission requirements.</p> <p>(c) No fee is payable where the <i>Home State regulator</i> has requested the assistance described in paragraph (o)(ii) of column 1 except in the cases specified in <b>FEES 3 Annex 6 R</b>.</p>	<p>Where the firm has made an application directly to the <i>appropriate regulator</i> , on or before the date the application is made, otherwise within 30 days after the <i>appropriate regulator</i> notifies the <i>firm</i> that its <i>EEA</i> parent's <i>Home State regulator</i> has requested assistance.</p>

(1) Fee payer	(2) Fee payable	Due date
<p>(p) A <i>firm</i> applying for a variation of its <i>Part 4A permission</i> whose fee is not payable pursuant to sub-paragraph (ga) of this table</p>	<p>(1) Unless (2) or (3) applies, if the proposed new business of the <i>firm</i> would fall within one or more activity groups specified in Part 1 of FEES 4 Annex 1A R or Part 1 of FEES 4 Annex 1B R not applicable before the application, the fee is 50% of the highest of the tariffs set out in FEES 3 Annex 1 R which apply to that application</p> <p>(2) If the only change is that the A.12 activity group tariff applied to the <i>firm's</i> business before the variation and the A.13 activity group will apply after variation, no fee is payable</p> <p>(3) If the <i>firm</i> is in the A.1 fee-block at the date of the application and the variation involves adding any of the <i>regulated activities of meeting of repayment claims or managing dormant account funds (including the investment of such funds)</i>, the fee is 50% of the fee in FEES 3 Annex 1 R that applies to that application</p> <p>(4) In all other cases, other than applications by <i>credit unions</i>, the fee payable is 250 for <i>firms</i> which are not, or are</p>	<p>On or before the date the application is made</p>

# Decision Procedure and Penalties Manual



3.2.13

FCA

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In accordance with ■ DEPP 2.2 the RDC will consider whether it is right in all the circumstances to give the statutory notice.

3.2.14

FCA

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If the RDC decides that the FCA should give a *warning notice* or a first *supervisory notice*:

- (1) the RDC will settle the wording of the *warning notice* or first *supervisory notice*, and will ensure that the notice complies with the relevant provisions of the *Act*;
- (2) the RDC will make any relevant *statutory notice associated decisions*;
- (3) the RDC staff will make appropriate arrangements for the notice to be given; and
- (4) the RDC staff will make appropriate arrangements for the disclosure of the substantive communications between the RDC and the FCA staff who made the recommendation on which the RDC's decision is based. This may include providing copies in electronic format.

3.2.14A

FCA

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If FCA staff consider that it is appropriate to publish information about the matter to which a *warning notice* falling within section 391(1ZB) of the *Act* relates, they will make a recommendation to the RDC that such information should be published.

3.2.14B

FCA

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The RDC will consider whether it is appropriate in all the circumstances to publish information about the matter to which a *warning notice* falling within section 391(1ZB) of the *Act* relates. The FCA's policy on publishing such information is set out in ■ EG 6.

3.2.14C

FCA

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If the RDC proposes that the FCA should publish information about the matter to which a *warning notice* falling within section 391(1ZB) of the *Act* relates:

- (1) the RDC will settle the wording of the statement it proposes the FCA should publish (*warning notice statement*);
- (2) the RDC staff will make appropriate arrangements for the *warning notice statement* it proposes the FCA should publish to be given to the persons to whom the *warning notice* was given or copied;
- (3) the proposed *warning notice statement* will specify the time allowed for the recipient to respond in writing to the RDC. This will normally be 14 *days*;
- (4) the recipient of a proposed *warning notice statement* may request an extension of the time allowed for its response. Such a request must normally be made within seven days of the proposed *warning notice statement* being given; and
- (5) the RDC will not normally grant a request by a person to whom the *warning notice statement* was given to make his response in person.

3.2.14D

FCA

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If no response to the proposed *warning notice statement* is received, the FCA will make appropriate arrangements to publish the *warning notice statement*.

3.2.14E  
FCA

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However, if the RDC receives a response from the person to whom the proposed warning notice statement was given, the RDC will consider their response and decide whether it is appropriate in all the circumstances to publish information about the matter to which the *warning notice* relates.

3.2.14F  
FCA

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If the RDC decides that the FCA should publish a warning notice statement:

- (1) the RDC will notify the relevant parties (including the relevant FCA staff) in writing of that decision;
- (2) the RDC will settle the wording of the warning notice statement; and
- (3) the FCA will make appropriate arrangements for the warning notice statement to be published.

3.2.14G  
FCA

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If the RDC decides that the FCA should not publish a warning notice statement the RDC staff will notify the relevant parties (including the relevant FCA staff) in writing of that decision.

3.2.14H  
FCA

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References to the RDC in ■ DEPP 3.2.14A G to ■ DEPP 3.2.14G G are to the Chairman of the RDC panel which issued the *warning notice* or, if he is unavailable, either the Chairman of the RDC or a Deputy Chairman of the RDC.

**Procedure: representations**

3.2.15  
FCA

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- (1) A *warning notice* or a first *supervisory notice* will (as required by the Act) specify the time allowed for making representations. This will not be less than 14 days.
- (2) The FCA will also, when giving a *warning notice* or a first *supervisory notice*, specify a time within which the recipient is required to indicate whether he wishes to make oral representations.

3.2.16  
FCA

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- (1) The recipient of a *warning notice* or a first *supervisory notice* may request an extension of the time allowed for making representations. Such a request must normally be made within sevendays of the notice being given.
- (2) If a request is made, the Chairman or a Deputy Chairman of the RDC will decide whether to allow an extension, and, if so, how much additional time is to be allowed for making representations. In reaching his decision he may take account of any relevant comments from the FCA staff responsible for the matter.
- (3) The RDC staff will notify the relevant party and the FCA staff responsible for the matter of the decision in writing.

3.2.17  
FCA

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- (1) If the recipient of a *warning notice* or a first *supervisory notice* indicates that he wishes to make oral representations, the RDC staff, in conjunction with the Chairman or a Deputy Chairman of the RDC, will fix a date or dates for a meeting at which the relevant RDC members will receive those representations.



3.2.18  
FCA

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(2) In making those arrangements the RDC staff will draw the Chairman's or Deputy Chairman's attention to any particular issues about the timing of the meeting which have been raised by the recipient of the notice or the relevant FCA staff.

The chairman of the relevant meeting will ensure that the meeting is conducted so as to enable:

- (1) the recipient of the *warning notice* or first *supervisory notice* to make representations;
- (2) the relevant FCA staff to respond to those representations;
- (3) the RDC members to raise with those present any points or questions about the matter (whether in response to particular representations or more generally about the matter); and
- (4) the recipient of the notice to respond to points made by FCA staff or the RDC;

but the chairman may ask the recipient of the notice or FCA staff to limit their representations or response in length or to particular issues arising from the *warning notice* or first *supervisory notice*.

3.2.19  
FCA

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The recipient of the *warning notice* or *supervisory notice* may wish to be legally represented at the meeting, but this is not a requirement.

3.2.20  
FCA

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In appropriate cases, the chairman of a meeting for oral representations may ask those present to provide additional information in writing after the meeting. If he does so, he will specify the time within which that information is to be provided.

3.2.21  
FCA

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The RDC will not, after the FCA has given a *warning notice* or a first *supervisory notice*, meet with or discuss the matter whilst it is still ongoing with the FCA staff responsible for the case without other relevant parties being present or otherwise having the opportunity to respond.

**Procedure: decision notices and second supervisory notices**

3.2.22  
FCA

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If no representations are made in response to the *warning notice* or first *supervisory notice*, the FCA will regard as undisputed the allegations or matters set out in the notice and the default procedure will apply: see ■ DEPP 2.3.2 G to ■ DEPP 2.3.4 G.

3.2.23  
FCA

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However, if representations are made, in accordance with ■ DEPP 2.3.1 G the RDC will consider whether it is right in all the circumstances to give the *decision notice* or a second *supervisory notice* (as appropriate).

3.2.24  
FCA

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If the RDC decides that the FCA should give a *decision notice* or a second *supervisory notice*:

- (1) the RDC will settle the wording of the notice which will include a brief summary of the key representations made and how they have been dealt with, and will ensure that the notice complies with the relevant provisions of the *Act*;
- (2) the RDC will make any relevant *statutory notice associated decisions*, including whether the FCA is required to give a copy of the notice to a third party; and
- (3) the RDC staff will make appropriate arrangements for the notice to be given.

3.2.25  
FCA

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If the RDC decides that the FCA should not give a *decision notice* or a second *supervisory notice* the RDC staff will notify the relevant parties (including the relevant FCA staff) in writing of that decision.

**Discontinuance of FCA action**

3.2.26  
FCA

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FCA staff responsible for recommending action to the RDC will continue to assess the appropriateness of the proposed action in the light of new information or representations they receive and any material change in the facts or circumstances relating to a particular matter. It may be therefore that they decide to give a *notice of discontinuance* to a *person* to whom a *warning notice* or *decision notice* has been given. The decision to give a *notice of discontinuance* does not require the agreement of the RDC, but FCA staff will inform the RDC of the discontinuance of the proceedings.

**Tribunal proceedings**

3.2.27  
FCA

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A decision by the RDC to give a *decision notice* or *supervisory notice* may lead to a reference to the *Tribunal* under the *Act*. The conduct of proceedings before the *Tribunal* is not however a matter for the RDC.