



FINANCIAL
CONDUCT
AUTHORITY

Securitisation (Amendment) (EU Exit) Regulations 2019 and Securitisation Regulations 2018 (near final and final rules)

Policy Statement

PS19/15

June 2019

This relates to

Consultation Paper 19/11
which is available on our website at
www.fca.org.uk/publications

Email:

cp19-11@fca.org.uk

Contents

1	Summary	3
2	Securitisation Repositories – near final rules	6
3	Securitisation Regulations 2018 – final rules	8
Annex 1		
	List of non-confidential respondents	9
Annex 2		
	Abbreviations used in this paper	10
Appendix 1		
	Near final rules (legal instrument)	
Appendix 2		
	Final rules (legal instrument)	

1 Summary

Introduction

- 1.1** The Securitisation (Amendment) (EU Exit) Regulations 2019 (the Exit SI) will come into force when the UK leaves the European Union (exit day). It will transfer powers for the regulation of Securitisation Repositories (SRs) to the FCA from the European Securities and Markets Authority (ESMA).
- 1.2** In our Consultation Paper [CP19/11](#) we consulted on proposed rules to enable us to fulfil our new role as regulator of SRs effectively. We are now publishing near final rules to implement the Exit SI. These rules will be made final when the Exit SI comes into force on exit day.
- 1.3** We are also publishing final rules to reflect additional powers given to us by the [Securitisation Regulations 2018](#) (2018 Regulations). This follows our consultation paper and policy statement, [CP18/30](#) and [PS18/25](#) respectively, which were based on the draft 2018 Regulations.

Who this affects

- 1.4** These Handbook changes will affect:
- entities which may wish to act as SRs
 - firms involved in securitisation markets either as institutional investors or manufacturers (originators, sponsors or securitisation special purpose entities) of securitisations
 - individuals holding offices or positions involving responsibility for taking management decisions at firms involved in securitisations markets
- 1.5** Retail consumers may be exposed to securitisations directly or indirectly through their pension funds or investment funds. The Handbook changes will not have any direct effect on these consumers. However, we intend for the changes to improve and strengthen the integrity of the securitisation market.

The wider context of this Policy Statement (PS)

- 1.6** The [EU Securitisation Regulation](#) (EU SR) came into effect on 1 January 2019 and is directly applicable in the United Kingdom (UK). To implement the EU SR in the UK the Treasury made an implementing statutory instrument, the 2018 Regulations. This gives the FCA supervisory, disciplinary and investigatory powers over persons subject to the EU SR.

- 1.7** When we consulted on the 2018 Regulations in CP18/30 we based our proposals on the draft statutory instrument. The final 2018 Regulations gave us additional enforcement powers which were not contained in the draft. This paper sets out our policy for the additional powers.
- 1.8** ESMA currently holds the responsibility for supervising SRs in the European Union (EU) under the EU SR. Once the UK leaves the EU, the Treasury intends to make the FCA the responsible body under the UK regime.
- 1.9** When we consulted on our proposed rule changes, the Treasury had laid before Parliament the draft Exit SI that will transfer these responsibilities to us. We explained that our proposals were based on our understanding of the Treasury's intentions at that time and were subject to change if the final Exit SI differed from that understanding. The Exit SI has now been finalised and does not differ significantly from the draft on which we based our consultation.
- 1.10** As such the final and near-final rules in this PS are substantially the same as those we consulted on.

What we are changing

- 1.11** We consulted in CP19/11 on proposed changes to the Handbook's Decision Procedure and Penalties Manual (DEPP) and the Enforcement Guide (EG) because of the changes the Exit SI will introduce for the supervision and enforcement of SRs. We also consulted on changes to DEPP and EG in light of additional enforcement powers given to us in the 2018 Regulations.
- 1.12** The legal instrument and draft legal instrument accompanying this PS contain the final and near-final rules. We are making near-final rules for the changes to DEPP and EG described in Chapter 2 of the PS. These rules are subject to the commencement of the Exit SI. We intend to finalise these rules once the Exit SI enters into force on exit day.
- 1.13** **Changes arising from the Exit SI** – We are making changes to DEPP and EG to enable us to apply our existing enforcement processes in our new role as regulator of SRs:
- We will apply our existing enforcement processes in the exercise of our disciplinary and investigatory powers.
 - We will apply a decision-making procedure for registering or withdrawing the registration of SRs.
- 1.14** We are making final rules for the changes to DEPP and EG which are described in Chapter 3 of this PS. The ability to make these final rules derives directly from existing legal powers.
- 1.15** **Changes arising from the 2018 Regulations** – We are creating decision-making procedures for:
- imposing a suspension, condition or limitation on an individual for a breach of a requirement imposed by or under the 2018 Regulations
 - imposing a suspension, limitation or other restrictions on an authorised person for a breach of a requirement imposed by or under the 2018 Regulations

Summary of feedback and our response

- 1.16** We received 1 formal response to the CP and the respondent supported our overall approach. As a result, our final and near-final rules are the same as those we consulted on in CP19/11, except for some minor amendments to clarify our decision-making procedures and update references to the legal instruments.

Equality and diversity considerations

- 1.17** We have considered the equality and diversity issues that may arise from this PS.
- 1.18** We do not consider that the rule changes in this PS negatively affect any of the groups with protected characteristics under the Equality Act 2010 ie age, disability, sex, marriage or civil partnership, pregnancy and maternity, race, religion and belief, sexual orientation and gender reassignment. We received no comments from respondents to CP19/11 on our equality impact assessment.

Next steps

- 1.19** Firms who are considering applying for registration as a Securitisation Repository (SR) should begin their formal application once the Exit SI comes into effect.

2 Securitisation Repositories – near final rules

- 2.1** We consulted on proposals to amend DEPP and EG in light of the Exit SI laid by Treasury. The Exit SI will amend the EU SR and give us equivalent powers over SRs as we will have over trade repositories under the Trade Repositories EU Exit Regulations (SI 2019/335).
- 2.2** The Exit SI:
- Sets out a procedure for registering, refusing to register, withdrawing the registration of a SR and rejecting an application to withdraw the registration of a SR.
 - Provides new provisions for sanctioning powers over SRs. These are necessary to supervise and enforce compliance by SRs with the EU SR and the Exit SI.
- 2.3** As noted in Chapter 1, we consulted on our proposals to amend DEPP and EG before the Exit SI was finalised. The Exit SI has now been finalised and does not differ significantly from the draft which our consultation was based on.
- 2.4** We received 1 formal response to these proposals and this supported our overall approach.
- 2.5** The near-final rules are the same as those we consulted on, except for the following minor changes to clarify:
- The decision-making procedure for determining when to impose a financial penalty on a SR (see 2.6 below).
 - References to the legal instruments, to clarify the location of powers and reflect, among other things, the updated numbering of the final Trade Repositories EU Exit Regulations.

Changes to DEPP

- 2.6** We have made the following amendments to DEPP 2 Annexes 1 and 2 to set out the decision-making procedure for:
- **Determining whether registration for a SR is to be refused:** We will use our executive procedures when deciding whether to refuse an application for registration as a SR. If representations are made in response to the written notice setting out our decision, a review of the decision will be made under RDC procedures.
 - **Determining whether registration for a SR is to be withdrawn:** We will use the RDC procedure.
 - **Determining whether an application from a SR to withdraw its registration should be rejected:** We will use our executive procedures when deciding whether to reject an application from a SR to withdraw its registration. If representations

are made in response to the written notice setting out our decision, a review of the decision will be made under RDC procedures.

- **Determining when to publish a statement about a contravention of the Exit SI by a SR:** The RDC will take the decision to impose a public censure in contested cases. The settlement decision makers will take the decision in settled cases.
- **Determining when to impose a financial penalty on a SR:** The RDC will take the decision to impose a financial penalty in contested cases. The settlement decision makers will take the decision in settled cases. Although we consulted on this policy in CP19/11, the draft legal instrument accompanying the CP indicated that all decisions to give a warning notice imposing a financial penalty will be taken using our executive procedures. In fact, the decision in contested cases will be taken by the RDC and, in settled cases, by settlement decision makers. We have amended the near-final legal instrument accompanying this PS to reflect the policy that we set out in the CP.

Applying the penalty policy

- 2.7** The Exit SI amends the EU SR to give us the power to impose a financial penalty on a SR. We will apply our existing penalty policy in DEPP 6 as the statement of policy on our use of sanctioning powers for a SR that breaches the EU SR or the Exit SI.
- 2.8** We have reflected this approach in the changes to Chapter 19 of EG.

Changes to EG

- 2.9** We have added a new section in Chapter 19 of EG (EG 19.38A) which sets out how we will exercise our enforcement powers over SRs. Our approach will mirror our approach to enforcing under the Financial Services and Markets Act 2000.

3 Securitisation Regulations 2018 – final rules

- 3.1** We consulted on amendments to DEPP and EG in light of additional powers given to us by the 2018 Regulations, which came into effect on 1 January 2019. This followed our earlier CP18/30 and PS18/25 which were based on the draft SI in which the additional powers were not included.
- 3.2** The additional powers consist of the power to impose a suspension, condition, limitation or other restrictions on persons for a breach of a requirement imposed by or under the 2018 Regulations.
- 3.3** We received 1 formal response to these proposals which supported our overall approach. So, the near-final rules are the same as those we consulted on, except for some minor changes to references to legal instruments.

Changes to DEPP

- 3.4** We have amended DEPP 2 Annex 1 so that it sets out that the RDC will be the decision-maker for:
- imposing a suspension, condition or limitation on an individual for a breach of a requirement imposed by or under the 2018 Regulations
 - imposing a suspension, limitation or other restriction on an authorised person for a breach of a requirement imposed by or under the 2018 Regulations

The application of our existing policy to suspensions, conditions, limitations or other restrictions

- 3.5** We will apply our existing sanctioning policies as set out in DEPP 6A when deciding whether to impose a suspension, condition, limitation or other restrictions on an individual or authorised person. Our view was that the factors set out in DEPP 6A are equally appropriate when determining under the 2018 Regulations whether to impose, and the duration of, a suspension, condition, limitation or other restrictions on an individual or authorised person.

Changes to EG

- 3.6** We have amended Chapter 19.38.4 of EG to add the additional powers to impose a suspension, condition, limitation or other restrictions on persons for a breach of a requirement imposed by or under the 2018 Regulations.

Annex 1

List of non-confidential respondents

European DataWarehouse GmbH

Annex 2

Abbreviations used in this paper

CP	Consultation Paper
DEPP	Decision Procedure and Penalties Manual
EG	Enforcement Guide
ESMA	European Securities and Markets Authority
EU	European Union
EU SR	European Union Securitisation Regulation
Exit SI	The Securitisation (Amendment) (EU Exit) Regulations 2019
FCA	Financial Conduct Authority
PS	Policy Statement
SI	Statutory Instrument
SR	Securitisation Repository
RDC	Regulatory Decisions Committee
the Treasury	Her Majesty's Treasury
2018 Regulations	the Securitisation Regulations 2018

We have developed the policy in this Policy Statement in the context of the existing UK and EU regulatory framework. The Government has made clear that it will continue to implement and apply EU law until the UK has left the EU. We will keep the proposals under review to assess whether any amendments may be required in the event of changes in the UK regulatory framework in the future.

All our publications are available to download from www.fca.org.uk. If you would like to receive this paper in an alternative format, please call 020 7066 7948 or email: publications_graphics@fca.org.uk or write to: Editorial and Digital team, Financial Conduct Authority, 12 Endeavour Square, London E20 1JN

Appendix 1

Near final rules (legal instrument)

SECURITISATION REPOSITORIES (DEPP AND EG) INSTRUMENT 2019

Powers exercised

- A. The Financial Conduct Authority (“the FCA”) makes this instrument in the exercise of:
- (1) section 139A (Power of the FCA to give guidance) of the Financial Services and Markets Act 2000 (“the Act”);
 - (2) the powers of direction, guidance and related provisions in or under the following provisions of the Over the Counter Derivatives, Central Counterparties and Trade Repositories (Amendments etc. and Transitional Provision) (EU Exit) Regulations 2018 (SI 2019/335) as applied by Regulation 15 of the Securitisation (Amendment) (EU Exit) Regulations 2019 (SI 2019/660):
 - (a) regulation 69 (Statement of policy);
 - (b) regulation 71 (Powers to issue guidance);
 - (c) regulation 75 (Application of Part 11 of the Act (information gathering and investigations)); and
 - (d) regulation 76 (Application of Part 26 of the Act (notices)).

Commencement

- B. This instrument comes into force on exit day as defined in the European Union (Withdrawal) Act 2018, immediately after the changes made by the Trade Repositories (Guidance) Instrument 2019 come into force.

Amendments to the Handbook

- C. The Glossary of definitions is amended in accordance with Annex A to this instrument.
- D. The Decision Procedure and Penalties manual (DEPP) is amended in accordance with Annex B to this instrument.

Material outside the Handbook

- E. The Enforcement Guide (EG) is amended in accordance with Annex C to this instrument.

Citation

- F. This instrument may be cited as the Securitisation Repositories (DEPP and EG) Instrument 2019.

By order of the Board
30 May 2019

Annex A

Amendments to the Glossary of definitions

Insert the following new definition in the appropriate alphabetical position. The text is not underlined.

Securitisation (Amendment) (EU Exit) Regulations the Securitisation (Amendment) (EU Exit) Regulations 2019 (SI 2019/660).

Annex B

Amendments to the Decision Procedure and Penalties manual (DEPP)

In this Annex, underlining indicates new text.

2 Statutory notices and the allocation of decision making

...

2.5 Provision for certain categories of decision

...

- 2.5.18 G Some of the distinguishing features of notices given under enactments other than the *Act* are as follows:

...

(8) *Securitisation Regulation (as amended by the Securitisation (Amendment) (EU Exit) Regulations)*: where the *FCA* exercises its powers to refuse an application for registration of a *securitisation repository* under article 12, or to refuse an application made by a *securitisation repository* to withdraw its registration under article 13a, it must give a written notice in accordance with article 13(6). In these circumstances, the decision to give a written notice under article 13(6) will be taken by *FCA* staff under *executive procedures*.

Where the *FCA* exercises its powers to withdraw the registration of a *securitisation repository* on its own initiative under article 13a, it must give a written notice in accordance with article 13(6)(b). In these circumstances, the decision to give a written notice under article 13(6)(b) will be taken by the *RDC*.

Upon receipt of a written notice under regulation 13a, the *securitisation repository* may decide to seek a review or to refer the matter to the *Tribunal*. If the *securitisation repository* decides to seek a review of the decision set out in the regulation 13a notice, they can make representations to the *RDC*. If the *RDC* decides to maintain the original decision, the *securitisation repository* may refer the *RDC*'s decision to do so to the *Tribunal*.

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

...

Trade Repositories (EU Exit) Regulations	Description	Handbook reference	Decision maker
...			
Regulations 65(b) and 66(b)	when the <i>FCA</i> is proposing or deciding to impose a financial penalty under regulation 68		<i>RDC</i>

<u>Securitisation (Amendment) (EU Exit) Regulations</u>	<u>Description</u>	<u>Handbook reference</u>	<u>Decision maker</u>
Regulations 65(a) and 66(a) of the <i>Trade Repositories (EU Exit) Regulations</i> as applied by regulation 15	when the <i>FCA</i> is proposing or deciding to publish a statement under regulation 67 of the <i>Trade Repositories (EU Exit) Regulations</i> as applied by regulation 15		<i>RDC</i>
Regulations 65(b) and 66(b) of the <i>Trade Repositories (EU Exit) Regulations</i> as applied by regulation 15	when the <i>FCA</i> is proposing or deciding to impose a financial penalty under regulation 68 of the <i>Trade Repositories (EU Exit) Regulations</i> as applied by regulation 15		<i>RDC</i>

2 Annex 2G Supervisory notices

...

Trade Repositories (EU Exit) Regulations	Description	Handbook reference	Decision maker
---	--------------------	---------------------------	-----------------------

...			
Article 71a(6) and 71a(10)	when the <i>FCA</i> is exercising its power under article 71(3) to refuse an application made by a <i>trade repository</i> to withdraw its registration		<i>RDC</i> or <i>executive procedures</i> (see <i>DEPP</i> 2.5.18G(7))

<u>Securitisation (Amendment) (EU Exit) Regulations</u>	<u>Description</u>	<u>Handbook reference</u>	<u>Decision maker</u>
<u>Article 13(6)(a) and 13(11)(a) of the <i>Securitisation Regulation</i> as amended by regulation 15</u>	when the <i>FCA</i> is exercising its power to refuse an application for registration of a <i>securitisation repository</i> under article 12 of the <i>Securitisation Regulation</i> as amended by regulation 15		<i>RDC</i> or <i>executive procedures</i> (see <i>DEPP</i> 2.5.18G(8))
<u>Article 13(6)(b) and 13(11)(b) of the <i>Securitisation Regulation</i> as amended by regulation 15</u>	when the <i>FCA</i> is exercising its power to withdraw the registration of a <i>securitisation repository</i> on its own initiative under article 13a(1) or 13a(2) of the <i>Securitisation Regulation</i> as amended by regulation 15		<i>RDC</i> (see <i>DEPP</i> 2.5.18G(8))
<u>Article 13(6)(c) and 13(11)(c) of the <i>Securitisation Regulation</i> as amended by regulation 15</u>	when the <i>FCA</i> is exercising its power to refuse an application made by a <i>securitisation repository</i> to withdraw its registration under article 13a(3) of the <i>Securitisation Regulation</i> as amended by regulation 15		<i>RDC</i> or <i>executive procedures</i> (see <i>DEPP</i> 2.5.18G(8))

...

Sch 4 Powers Exercised

...

Sch
4.2G

The following additional powers and related provisions have been exercised by the *FCA* to make the statements of policy in *DEPP*:

...

Regulation 76 (Application of Part 26 of the Act (notices) of the *Trade Repositories (EU Exit) Regulations*

Regulation 69 (Statement of policy) of the *Trade Repositories (EU Exit) Regulations*, as applied by regulation 15 of the *Securitisation (Amendment) (EU Exit) Regulations*

Regulation 71 (Powers to issue guidance) of the *Trade Repositories (EU Exit) Regulations*, as applied by regulation 15 of the *Securitisation (Amendment) (EU Exit) Regulations*

Regulation 75 (Application of Part 11 of the Act (information gathering and investigations) of the *Trade Repositories (EU Exit) Regulations*, as applied by regulation 15 of the *Securitisation (Amendment) (EU Exit) Regulations*

Regulation 76 (Application of Part 26 of the Act (notices) of the *Trade Repositories (EU Exit) Regulations*, as applied by regulation 15 of the *Securitisation (Amendment) (EU Exit) Regulations*

Annex C

Amendments to the Enforcement Guide (EG)

Insert the following new section after EG 19.38 (UK Securitisation Regulations). The text is not underlined.

19.38A Securitisation (Amendment) (EU Exit) Regulations 2019

19.38A. Supervisory and enforcement functions in respect of *securitisation repositories*
1 under the *Securitisation Regulation* were transferred from *ESMA* to the *FCA*
 through the *Securitisation (Amendment) (EU Exit) Regulations* on *exit day*.
 The *Securitisation (Amendment) (EU Exit) Regulations* amend the
 Securitisation Regulation to, amongst other reasons, apply the *Trade*
 Repositories (EU Exit) Regulations. In places, these regulations in turn apply
 provisions of the *Act*.

19.38A. The *FCA*'s approach to enforcement under the *Securitisation Regulation* in
2 relation to *securitisation repositories* will mirror our general approach to
 enforcing the *Act*, as set out in *EG*. We will seek to exercise our enforcement
 powers in a manner that is transparent, proportionate, responsive to the issue
 and consistent with our publicly stated policies. We will also seek to ensure
 fair treatment when exercising our enforcement powers. Finally, we will aim
 to change the behaviour of the *person* who is the subject of our action, to deter
 future non-compliance by others, to eliminate any financial gain or benefit
 from non-compliance and, where appropriate, to remedy harm caused by non-
 compliance.

19.38A. The regulatory powers which the *Securitisation (Amendment) (EU Exit)*
3 *Regulations* provide to the *FCA* include the power:

- (1) to require information and appoint investigators;
- (2) of entry and inspection;
- (3) to publicly censure;
- (4) to impose financial penalties; and
- (5) to apply for an injunction.

Conduct of investigations under the *Securitisation Regulation* as amended by
the *Securitisation (Amendment) (EU Exit) Regulations*

19.38A. The *Securitisation (Amendment) (EU Exit) Regulations* and the *Trade*
4 *Repositories (EU Exit) Regulations* apply much of Part 11 of the *Act*. The
 effect of this is to apply the same procedures under the *Act* for appointing
 investigators and requiring information when investigating breaches of the
 Securitisation Regulation.

19.38A. The *FCA* will notify the subject of the investigation that we have appointed
5 investigators to carry out an investigation under the *Securitisation Regulation* and the reasons for the appointment, unless notification is likely to prejudice the investigation or otherwise result in it being frustrated. The *FCA* expects to carry out a scoping visit early on in the enforcement process in most cases. The *FCA*'s policy in non-criminal investigations under the *Securitisation Regulation* is to use powers to compel the provision of information in the same way as we would during an investigation under the *Act*.

Decision making under the *Securitisation Regulation* as amended by the *Securitisation (Amendment) (EU Exit) Regulations*

19.38A. The decision-making procedures for those decisions under the *Securitisation*
6 *Regulation* requiring the giving of a *warning notice*, *decision notice* or *supervisory notice* are dealt with in *DEPP*.

19.38A. The *Securitisation Regulation* requires the *FCA* to give third party rights as set
7 out in section 393 of the *Act*, and to give access to certain material as set out in section 394 of the *Act* as applied by the *Securitisation Regulation* and the *Trade Repositories (EU Exit) Regulations*.

Imposition of penalties under the *Securitisation Regulation* as amended by the *Securitisation (Amendment) (EU Exit) Regulations*

19.38A. When determining whether to take action to impose a penalty or to issue a
8 public censure under the *Securitisation Regulation*, the *FCA*'s policy includes having regard to the relevant factors in *DEPP* 6.2 and *DEPP* 6.4. The *FCA*'s policy in relation to determining the level of a financial penalty includes having regard, where relevant, to *DEPP* 6.5, *DEPP* 6.5A, *DEPP* 6.5B and *DEPP* 6.5D.

19.38A. As with cases under the *Act*, the *FCA* may settle or mediate appropriate cases
9 involving non-criminal breaches of the *Securitisation Regulation* to assist us to exercise our functions under the *Securitisation Regulation* in the most efficient and economical way. See *DEPP* 5, *DEPP* 6.7 and *EG* 5 for further information on the settlement process and the *settlement discount scheme*.

19.38A. The *FCA* will apply the approach to publicity that is outlined in *EG* 6, read in
10 light of regulation 76 of the *Trade Repositories (EU Exit) Regulations* as applied by article 15 of the *Securitisation Regulation*.

Statement of policy in section 169(7) interviews (as implemented by the *Securitisation (Amendment) (EU Exit) Regulations*)

19.38A. The *Securitisation (Amendment) (EU Exit) Regulations* amend the
11 *Securitisation Regulation* to apply regulation 75 of the *Trade Repositories (EU Exit) Regulations*, which in turn applies section 169 of the *Act*. This requires the *FCA* to publish a statement of policy on the conduct of certain interviews in response to requests from *overseas regulators*. For the purposes of the

Securitisation Regulation, the FCA will follow the procedures described in DEPP 7.

Appendix 2

Final rules (legal instrument)

**ENFORCEMENT (EU SECURITISATION REGULATION) (No 2) INSTRUMENT
2019**

Powers exercised

- A. The Financial Conduct Authority (“the FCA”) makes this instrument in the exercise of and/or under:
- (1) section 139A (Power of the FCA to give guidance) of the Financial Services and Markets Act 2000 (“the Act”); and
 - (2) the following provisions in the Financial Services and Markets Act 2000 (Securitisation) Regulations 2018:
 - (a) regulation 9 (Statements of policy); and
 - (b) paragraph 1 of Schedule 1 (Application of sections 66 to 70 of the Act).

Commencement

- B. This instrument comes into force on 6 June 2019.

Amendments to the Handbook

- C. The Decision Procedure and Penalties manual (DEPP) is amended in accordance with Annex A to this instrument.

Material outside the Handbook

- D. The Enforcement Guide (EG) is amended in accordance with Annex B to this instrument.

Citation

- E. This instrument may be cited as the Enforcement (EU Securitisation Regulation) (No 2) Instrument 2019.

By order of the Board
30 May 2019

Annex A

Amendments to the Decision Procedure and Penalties manual (DEPP)

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

2 Statutory notices and the allocation of decision making

...

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

...

UK Securitisation Regulations	Description	Handbook reference	Decision maker
...			
Paragraph 1 of Schedule 1	when the <i>FCA</i> is proposing or deciding to take action against an individual by exercising the disciplinary powers conferred by section 66* to publish a statement or <u>impose a financial penalty</u> as applied by paragraph 1 of schedule 1		<i>RDC</i>
Paragraph 4 of Schedule 1	when the <i>FCA</i> is proposing or deciding to publish a statement (under section 205), or <u>impose a financial penalty (under section 206), or suspend a permission or impose a restriction in relation to the carrying on of a regulated activity (under section 206A)</u> as applied by paragraph 4 of schedule 1.		<i>RDC</i>
...			

Annex B**Amendments to the Enforcement Guide (EG)**

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

19.38 UK Securitisation Regulations

...

19.38.4 The regulatory powers which the *UK Securitisation Regulations* provide to the *FCA* include the power:

...

- (6) to require restitution; ~~and~~
- (7) to impose temporary prohibitions on individuals holding management functions; and
- (8) to impose a suspension, condition, limitation or other restriction.

