



FINANCIAL SERVICES ACT 2008

FINANCIAL SERVICES (CIVIL PENALTIES) REGULATIONS 2011

Approved by Tynwald 13 December 2011

Coming into operation 1 January 2012

The Financial Supervision Commission makes these regulations under section 16(5) of the Financial Services Act 2008¹, after carrying out the consultations required by section 44(5) of that Act:-

Title

1. These are the Financial Services (Civil Penalties) Regulations 2011.

Commencement

2. If approved by Tynwald², these Regulations come into operation on 1 January 2012.

Interpretation

3. (1) In these Regulations: -
 - “the Act” means the Financial Services Act 2008 and “section” means a section of the Act;
 - “business day” has the meaning given by section 92 of the Bills of Exchange Act 1883³;
 - “Commission” means the Financial Supervision Commission;
 - “direction” means a direction issued by the Commission under section 14;
 - “licence condition” means a condition imposed by the Commission under section 7;
 - “return” has the meaning given by (2);
 - “Rule Book” means Financial Services Rule Book 2011⁴ and “rule” without more means a rule contained in the Rule Book;
 - “specified period” means the period by the end of which a return is required to be submitted or otherwise provided to the Commission; and a return is treated as “submitted” or “provided” once it is received by the Commission duly completed.
- (2) In these Regulations “return” means any document required to be submitted under -
 - (a) rules 2.9(1), (2) and (3), 2.15(1)(a), 2.24, 2.28 and 2.42,;
 - (b) rules 5.8 5.14, 5.16 and 5.18;
 - (c) rule 8.28 of Part 8 and rule 9.19; or
 - (d) a direction or licence condition imposed by the Commission;

¹ 2008 c.8

² As required by section 45(2)

³ V p.310

⁴ SD 886/11

But neither a document required to be submitted under rule 2.11 nor a document containing information required to be furnished under rule 5.8(1)(b) is a return.

Application

4. These Regulations apply to all current and former licenceholders.

Penalties

5. (1) A current or former licenceholder must pay a penalty for each contravention of a requirement to submit or otherwise provide a return within a specified period in accordance with the table:

PENALTY	All classes of licenceholders except Class 1	Class 1 licenceholders
Return submitted/ provided from 1 to 4 business days after end of specified period	£100	£100
Return submitted/ provided from 5 to 20 business days after end of specified period	£500	£1,000
Return submitted/ provided more than 20 business days after end of specified period	£2,000	£5,000

- (2) But, the Commission may mitigate a penalty or provide that no penalty is payable if it considers that the circumstances are so exceptional that it would be unfair to require the current or former licenceholder to pay the full penalty.
- (3) Any penalty due must be paid to the Commission within 21 business days of the penalty being imposed.

Revocation

6. The Financial Services (Civil Penalties) Regulations 2010⁵ are revoked.

Made 04 November 2011

G. Karran
Commissioner

J. R. Aspden
Chief Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the penalties payable by current and former licenceholders in the event that returns are not submitted or provided to the Financial Supervision Commission within certain specified periods.

⁵ SD 915/10