

*These notes refer to the Financial Services Act 2012  
(c.21) which received Royal Assent on 19 December 2012*

# FINANCIAL SERVICES ACT 2012

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## EXPLANATORY NOTES

### COMMENTARY

#### **Part 2 - Amendments of Financial Services and Markets Act 2000**

#### **Insolvency**

##### *Section 44 and Schedule 14: Insolvency*

484. *Section 44* introduces Schedule 14 which amends Part 24 of FSMA (insolvency).
485. The provisions to instigate or take part in insolvency proceedings are applied, in respect of PRA-authorized persons, to both the FCA and the PRA. In respect of other authorised persons, the provisions are applied to the FCA alone. However, the power to appoint an actuary under section 376 (continuation of contracts of long-term insurance where insurer in liquidation) is transferred to the PRA under *paragraph 24* (or the FCA, if the activity of effecting or carrying out long-term insurance is not a PRA-regulated activity). *Paragraphs 8 and 9 of Schedule 14* amend sections 362 and 362A to refer to partnerships, as well as companies, in the provisions relating to administration.
486. *Paragraphs 3(2), 5(2), 6(2), 8(2)(b), 10(2), 12(2), 14(2)(b) and 19(2)(b)* expand the scope of Part 24 of FSMA so that its provisions apply to the insolvency of a recognised investment exchange in addition to the insolvency of an authorised person.