



Financial Services (Banking Reform) Act 2013

2013 CHAPTER 33

PART 4

CONDUCT OF PERSONS WORKING IN FINANCIAL SERVICES SECTOR

Offence

38 Institution of proceedings

- (1) In this section “an offence” means an offence under section 36.
- (2) Proceedings for an offence may be instituted in England and Wales only—
 - (a) by the FCA, the PRA or the Secretary of State, or
 - (b) by or with the consent of the Director of Public Prosecutions.
- (3) Proceedings for an offence may be instituted in Northern Ireland only—
 - (a) by the FCA, the PRA or the Secretary of State, or
 - (b) by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (4) In exercising its power to institute proceedings for an offence, the FCA or the PRA must comply with any conditions or restrictions imposed in writing by the Treasury.
- (5) Conditions or restrictions may be imposed under subsection (4) in relation to—
 - (a) proceedings generally, or
 - (b) such proceedings, or categories of proceedings, as the Treasury may direct.

Changes to legislation: *There are currently no known outstanding effects for the Financial Services (Banking Reform) Act 2013, Section 38. (See end of Document for details)*

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Commencement Information

- II** [S. 38](#) in force at 7.3.2016 by [S.I. 2015/490](#), [art. 2\(1\)\(c\)](#) (with savings and transitional provisions in [S.I. 2015/492](#) (as amended by [S.I. 2015/1660](#)))

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