

# Supplementary information for s138BA rule permission applications where the PRA has not set out permission-specific assessment criteria

Firm or company<sup>1</sup> name

Firm or company reference number

Address

## INTRODUCTION

### Purpose

1. This supplementary form is to be used by a person (i.e. a *firm* or PRA approved holding company or PRA designated parent holding company) seeking a rule permission under section 138BA of the Financial Services and Markets Act 2000 (FSMA) in circumstances where the PRA has not set out assessment criteria for the specific permission.
2. Firms should submit this information together with a completed section 138BA rule permission application form and any other documentary evidence via email to the Waivers and Permissions Team at the Prudential Regulation Authority (PRA) at:

[pra-waivers@bankofengland.co.uk](mailto:pra-waivers@bankofengland.co.uk)

### Note on completing this supplementary information form

3. Before completing this form, you may find it helpful to discuss your application with your appropriate supervisory contact at the PRA. However, you are strongly encouraged to include all relevant information in the application form and in this supplementary information form plus any other information relevant

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<sup>1</sup> Please see Notes at end of form for the definition of "*firm* or company".

to your application. If you do not do so, your application may be delayed while you answer further questions from us.

## Rule Permission details

4. As stated in the SoP 'The Prudential Regulation Authority's approach to rule permissions and waivers', where the PRA has not set out assessment criteria for a specific permission you are encouraged to apply for the modification or waiver under s138A FSMA using the [waiver application form](#).
5. If, however, after having reviewed the SoP you still consider an application under section 138BA is appropriate, please provide a clear rationale of why you are not applying under section 138A.
6. As stated in the SoP, when considering an application under section 138BA, where the PRA has not set out permission-specific assessment criteria, the PRA will consider, and place significant weight upon, the statutory criteria that apply to the PRA's power under section 138A.
7. Therefore, please provide the reasons why you think the PRA should waive or modify the rule(s) using the section 138BA permission according to the specific circumstances of your firm or group. This should include detailed arguments as to how and to what extent the section 138A statutory criteria are met and, if relevant, why the permission should be granted despite the statutory criteria not being fully met.
8. Please include the required information, in respect of your application under section 138BA, in the boxes in the Annex or include as an attachment to your application.

**Annex to s138BA rule permission supplementary information for applications with no permission-specific assessment criteria**

Complete cells as appropriate to your application

PRA Rule related to the permission	
If you are seeking permission to waive the Rule, please confirm here	
If you are applying for a permission to modify the Rule, please provide draft wording of the requested modification	
Reason(s) why the application is not being made under FSMA section 138A	
Reason(s) why you think the PRA should waive or modify the rule according to the specific circumstances of your firm or group	
Analysis of how and to what extent the statutory criteria set out in FSMA section 138A are met	
Analysis of why the permission should be granted despite the statutory criteria in FSMA section 138A not being fully met (if relevant)	