
DRAFT STATUTORY INSTRUMENTS

2018 No.

**The Trade Repositories (Amendment and
Transitional Provision) (EU Exit) Regulations 2018**

PART 3

Transitional and saving provision

CHAPTER 4

General provisions

Misleading the FCA: criminal offence

20. Section 398 of the Financial Services and Markets Act 2000 (misleading the FCA or PRA: residual cases)(1) applies to a requirement to provide information in accordance with a direction under regulation 5(2)(b) or 17(2)(b) as it applies to a requirement falling within subsection (1A) of that section.

Further information to be supplied by a person to whom regulation 9 or 14 applies

21.—(1) A person to whom regulation 9 applies must notify the FCA if any information contained in or accompanying an advance application submitted in accordance with regulation 5 changes.

(2) A person to whom regulation 14 applies must notify the FCA if any information contained in or accompanying a notification made in accordance with regulation 17 changes.

Directions

22.—(1) The power to make a direction under this Part includes the power—

- (a) to make different directions in relation to different applications or categories of application;
- (b) to vary or revoke a previous direction.

(2) A direction under this part must be—

- (a) in writing, and
- (b) published by the FCA in a manner suitable to bring it to the attention of persons likely to be affected.

Interpretation

23.—(1) In this Part—

“advance application” means an application submitted during the period—

(1) 2000 c. 8. Section 398 is amended by paragraph 36 of Schedule 9 to the Financial Services Act 2012 (c. 21), S.I. 2013/1773, S.I. 2015/1882, S.I. 2016/680, S.I. 2017/701, S.I. 2018/135 and S.I. 2018/698.

- (a) beginning with the day on which this Part comes into force, and
- (b) ending immediately before exit day;

“the European Markets Infrastructure Regulation” means Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4th July 2012 on OTC derivatives, central counterparties and trade repositories, as amended from time to time (unless the contrary intention appears);

“the FCA” means the Financial Conduct Authority;

“trade repository” has the same meaning as in Article 2(2) of the European Markets Infrastructure Regulation;

“working day” means a day other than—

- (a) a Saturday or a Sunday,
- (b) Christmas Day or Good Friday, or
- (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971(2) in any part of the United Kingdom.

(2) Reference to a group of undertakings is to be construed in accordance with Article 2(16) of the European Markets Infrastructure Regulation, as that Regulation has effect immediately before exit day.

(2) 1971 c. 80; amended by section 1 of the St Andrew’s Day Bank Holiday (Scotland) Act 2007 (asp 2).