
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Financial Services and Markets Act 2000
(Amendment) (EU Exit) Regulations 2019**

PART 2

Amendments to the Act

CHAPTER 1

Part 1A of the Act: the regulators

Introduction

2. Part 1A of the Act⁽¹⁾ (the regulators) is amended as follows.

Section 1A (the Financial Conduct Authority)

3. In section 1A (the Financial Conduct Authority), in subsection (6)(d) for “qualifying EU provision” substitute “qualifying provision”.

Section 1H (further interpretative provisions for sections 1B to 1G)

4.—(1) Section 1H⁽²⁾ (further interpretative provisions) is amended as follows.

(2) In subsection (2)(d), for “credit institutions” substitute “qualifying credit institutions”.

(3) In subsection (8)—

(a) omit the definition of “credit institution”⁽³⁾;

(b) in the definition of “relevant ancillary service”, for “Section B of Annex I to the markets in financial instruments directive” substitute “Part 3A of Schedule 2 to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001”⁽⁴⁾.

Section 1L (supervision, monitoring and enforcement)

5. In section 1L⁽⁵⁾ (supervision, monitoring and enforcement), in subsection (2)(b) for “qualifying EU provision” substitute “qualifying provision”.

(1) Part 1A of the Financial Services and Markets Act 2000 (comprising sections 1A to 3S) was substituted by section 6 of the Financial Services Act 2012 (c.21).

(2) Section 1H was inserted by section 6(1) of the Financial Services Act 2012 and was amended by sections 27(1), (2)(a) and (2)(b) of the Financial Guidance and Claims Act 2018 (c.10) and S.I. 2013/655, 2013/1881, 2013/3115, 2017/752 and 2018/135.

(3) This definition was amended by S.I. 2013/3115.

(4) S.I. 2001/544.

(5) Section 1L was amended by S.I. 2013/1773.

Section 2AB (functions of the PRA)

6. In section 2AB(6) (functions of the PRA), in subsection (3)(d)(7) for “qualifying EU provision” substitute “qualifying provision”.

Section 3E (memorandum of understanding)

7. In section 3E(8) (memorandum of understanding between regulators) omit subsection (3)(a).

Section 3I (power of PRA to require FCA to refrain from specified action)

8. In section 3I(9) (power of PRA to require FCA to refrain from specified action), in subsection (8) omit “EU obligation or any other”.

Section 3J (power of PRA in relation to with-profits policies)

9. In section 3J(10) (power of PRA in relation to with-profits policies), in subsection (8) omit “EU obligation or any other”.

Section 3M (directions relating to consolidated supervision of groups)

10.—(1) Section 3M(11) (directions relating to consolidated supervision of groups) is amended as follows.

(2) In subsection (1) (which refers to supervision required in pursuance of any of the relevant directives), for “any of the relevant directives” substitute—

“(a) any implementing provision contained in subordinate legislation (within the meaning of the Interpretation Act 1978) made otherwise than by any of the following—

(i) statutory instrument, and

(ii) statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)); or

(b) any other implementing provision (as amended from time to time),”(12).

(3) After subsection (2) insert—

“(2A) “Implementing provision” means an enactment that immediately before exit day implemented provisions of any of the relevant directives.”.

(4) In subsection (10) omit “EU obligation or any other”.

(6) Section 2AB was substituted by section 12 of the Bank of England and Financial Services Act 2016 (c.14) and amended by S.I. 2018/1115.

(7) Subsection (3)(d) was amended by S.I. 2018/1115.

(8) Section 3E was substituted by section 6(1) of the Financial Services Act 2012.

(9) Section 3I was amended by sections 3(a), (b) and 129 and paragraphs 1 and 4 of Part 1 to Schedule 8 to the Financial Services (Banking Reform) Act 2013 (c.33).

(10) Section 3J was substituted by section 6(1) of the Financial Services Act 2012.

(11) Section 3M was amended by S.I. 2013/3115 and 2014/3329.

(12) In the Interpretation Act 1978 (c.30), “subordinate legislation” has the meaning given by section 21(1) of that Act.