
STATUTORY INSTRUMENTS

2018 No. 135

**The Financial Services and Markets Act
2000 (Benchmarks) Regulations 2018**

PART 6

Amendments to secondary legislation

**Amendments to the Financial Services and Markets Act 2000 (Qualifying EU Provisions)
Order 2013**

58.—(1) The Financial Services and Markets Act 2000 (Qualifying EU Provisions) Order 2013(1) is amended as follows.

(2) In article 1(2)(2) (citation, commencement and interpretation) in the appropriate place, insert—

““the EU Benchmarks Regulation 2016” means Regulation EU 2016/1011(3) of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC(4) and 2014/17/EU and Regulation (EU) No 596/2014;”.

(3) In article 2(5) (qualifying EU provisions: general), after paragraph (11), insert—

“(12) The EU Benchmarks Regulation 2016 is a specified qualifying EU provision for the purpose of section 1A(6)(d)(6) of the Act.

(13) The EU Benchmarks Regulation 2016 and any directly applicable regulation made under the EU Benchmarks Regulation 2016 is a specified qualifying EU provision for the purposes of sections 1L(2)(b)(7), 39(4)(b)(8), 66A(4)(b)(9), 168(4)(k)(10), 192K(1)(c)(11) and 293A(12) of the Act.”.

(4) In article 3(13) (qualifying EU provisions: disciplinary measures)—

(a) in paragraph (2), at the end of sub-paragraph (l) for “.” substitute “;”;

(b) in paragraph (2) after sub-paragraph (m) insert—

(1) [S.I. 2013/419](#).

(2) Article 1(2) was amended by [S.I. 2013/1773](#), [S.I. 2014/2879](#), [S.I. 2014/3348](#) and [S.I. 2015/1882](#).

(3) OJ No L171 29.06.2016, p.1.

(4) OJ No. L133, 22.05.2008, p.66.

(5) Article 2 was amended by [S.I. 2013/1773](#), [S.I. 2014/2879](#), [S.I. 2014/3348](#), [S.I. 2015/1882](#), [S.I. 2016/680](#), [S.I. 2016/715](#), [S.I. 2016/936](#) and [S.I. 2016/1023](#).

(6) Section 1A(6)(d) was inserted by section 6(1) of the Financial Services Act 2012.

(7) Section 1L(2)(b) was inserted by section 6(1) of the Financial Services Act 2012.

(8) Section 39(4)(b) was inserted by paragraph 5(3) of Schedule 18(1) to the Financial Services Act 2012.

(9) Section 66A(4)(b) was inserted by section 32(2) of the Financial Services (Banking Reform) Act 2013.

(10) Section 168(4)(k) was inserted by paragraph 8(4) of Schedule 12 to the Financial Services Act 2012.

(11) Section 192K(1)(c) was inserted by section 27 of the Financial Services and Markets Act 2012 and [S.I. 2014/3329](#).

(12) Section 293A was inserted by paragraph 11 of Schedule 8 to the Financial Services Act 2012 and amended by [S.I. 2017/1064](#).

(13) Article 3 was amended by [S.I. 2013/1773](#), [S.I. 2014/2879](#), [S.I. 2014/3348](#), [S.I. 2015/1882](#), [S.I. 2016/715](#) and [S.I. 2016/936](#) and [S.I. 2017/1127](#).

- “(n) the EU Benchmarks Regulation 2016 and any directly applicable regulation made under the EU Benchmarks Regulation 2016.”; and
- (c) in paragraph (3) after sub-paragraph (k) insert—
- “(l) in relation to a contravention of a requirement imposed by the EU Benchmarks Regulation 2016 or of any directly applicable regulation made under that Regulation, the FCA.”.
- (5) In article 4 (qualifying EU provisions etc.: recognised investment exchanges and clearing houses) after paragraph (11) insert—
- “(12) The EU Benchmarks Regulation 2016 or any directly applicable regulation made under that Regulation are specified qualifying EU provisions for the purposes of sections 296(1A)(14), 297(2A)(c)(15) and 312E(2)(c)(16).”.
- (6) In article 5(17) (qualifying EU provisions: injunctions and restitution) —
- (a) at the end of paragraph (2)(m) for “.” substitute “;”;
- (b) after paragraph (2)(m) insert—
- “(n) the EU Benchmarks Regulation 2016 and any directly applicable measure made under that Regulation.”;
- (c) in paragraph (5)—
- (i) at the end of sub-paragraph (l) for “.” substitute “;”;
- (ii) after sub-paragraph (l) insert—
- “(m) in relation to a contravention of a requirement imposed by the EU Benchmarks Regulation 2016 or any directly applicable measure made under that Regulation, the FCA.”.
- (7) In article 6(2)(18) (qualifying EU provisions: fees)—
- (a) at the end of sub-paragraph (o) for “.” substitute “;”;
- (b) after sub-paragraph (o) insert—
- “(p) the EU Benchmarks Regulation 2016 and any directly applicable regulation made under the EU Benchmarks Regulation 2016.”.

(14) Section 296(1A) was added by S.I. 2007/126.

(15) Section 297(2A)(c) was inserted by S.I. 2007/126 and by paragraph 15(3)(c) of Schedule 8 to the Financial Services Act 2012.

(16) Section 312E(2)(c) was inserted by section 33 of the Financial Services Act 2012.

(17) Article 5 was amended by S.I. 2013/1773, S.I. 2014/2879, S.I. 2014/3348, S.I. 2015/1882, S.I. 2016/680, S.I. 2016/715, S.I. 2016/936 and S.I. 2017/1127.

(18) Article 6(2) was amended by S.I. 2013/1773, S.I. 2014/2879, S.I. 2014/3348, S.I. 1025/1882, S.I. 2016/680, S.I. 2016/715 and S.I. 2017/1127.