

## STATUTORY INSTRUMENTS

# 2019 No. 335

## The Over the Counter Derivatives, Central Counterparties and Trade Repositories (Amendment, etc., and Transitional Provision) (EU Exit) Regulations 2019

### PART 2

#### AMENDMENT OF SUBORDINATE LEGISLATION

#### Amendments to the Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013

2. The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013<sup>M1</sup> are amended in accordance with the following provisions of this Part.

##### Commencement Information

- II** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

##### Marginal Citations

- M1** [S.I. 2013/504](#). Relevant amendments are made by [S.I. 2013/1908](#), 2016/715 and 2017/701.

#### Interpretation

3. In regulation 2, in paragraph (1), for the definition of “the EMIR regulation” substitute—  
““the EMIR regulation” has the meaning given in section 313 of the Act;”.

##### Commencement Information

- I2** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Designation of competent authorities

4. In regulation 6—
- (a) in paragraph (1)—
    - (i) in sub-paragraph (b), for “Article 22(1)” substitute “ Articles 22 and 25 ”;
    - (ii) omit sub-paragraphs (e) and (f);
  - (b) omit paragraph (2);

**Changes to legislation:** The Over the Counter Derivatives, Central Counterparties and Trade Repositories (Amendment, etc., and Transitional Provision) (EU Exit) Regulations 2019, PART 2 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) in paragraph (3), omit sub-paragraphs (e) to (g);
- (d) in paragraph (4), omit sub-paragraphs (a) and (b);
- (e) in paragraph (6)—
  - (i) in sub-paragraph (a), omit “including Article 71(3)”;
  - (ii) at the end of sub-paragraph (a) insert “ and ”;
  - (iii) omit sub-paragraph (c) and the “and” immediately preceding it;
- (f) in paragraph (8), in sub-paragraph (b), omit paragraphs (i) and (ii).

**Commencement Information**

- I3** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**Applications, notifications and reports to the FCA**

- 5.** In regulation 8, in paragraph (3), for “Article 11(6), (7), (8), (9) or (10)” substitute “ Article 11(8) or (9) ”.

**Commencement Information**

- I4** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**Penalties and statements**

- 6.** In regulation 9, in paragraph (10), at the end of sub-paragraph (a) insert “ (but not including a requirement enforceable by the FCA pursuant to paragraph (6)(a) or (b) of that regulation) ”.

**Commencement Information**

- I5** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**Investigatory powers of ESMA with regard to trade repositories**

- 7.** Omit regulations 15B to 19 (Part 7).

**Commencement Information**

- I6** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**Transitional provision**

- 8.** Omit regulation 55A and insert—

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**“Transitional provision: EMIR regulation**

**55B.** The FCA may grant an exemption in accordance with Article 89a of the EMIR regulation.”.

**Commencement Information**

**I7** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**Changes to legislation:**

The Over the Counter Derivatives, Central Counterparties and Trade Repositories (Amendment, etc., and Transitional Provision) (EU Exit) Regulations 2019, PART 2 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)