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STATUTORY INSTRUMENTS

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**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>(1)</sup> are amended in accordance with the following provisions of this Part.

**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;”.

**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);
  - (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).

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<sup>(1)</sup> [S.I. 2013/504](#). Relevant amendments are made by [S.I. 2013/1908](#), [2016/715](#) and [2017/701](#).

### **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)”.

### **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)”.

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

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

### **Transitional provision**

8. Omit regulation 55A and insert—

#### **“Transitional provision: EMIR regulation**

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