

Schedule

Amendments of primary legislation

Financial Services and Markets Act 2000

- 44.**—(1) The Financial Services and Markets Act 2000(1) is amended as follows.
- (2) In the following provisions for “retained EU” substitute “assimilated”—
- (a) section 97A(2)(b)(2);
 - (b) section 138P(2)(b), (5)(a)(ii) and (5)(c)(ii)(3);
 - (c) section 143B(4)(4);
 - (d) section 144B(2)(5);
 - (e) section 192O(3)(6);
 - (f) section 313(1)(7), in the definition of “the EMIR regulation”;
 - (g) section 391(8G)(b)(8);
 - (h) section 417(1), in the definitions of “capital requirements regulation”, “the CSD regulation”, “the EU Benchmarks Regulation 2016”, “market abuse regulation”, “markets in financial instruments regulation”, “MMF Regulation” and “short selling regulation”(9).
- (3) In the following provisions for “retained EU direct” substitute “assimilated direct”—
- (a) section 139A(4)(10);
 - (b) section 168(4)(jc)(ii)(11).
- (4) In the following provisions for “retained direct EU” substitute “assimilated direct”—
- (a) section 55J(6AA)(a)(ii) and (c)(ii) and (7ZB)(b)(12);
 - (b) section 55K(1)(d)(13);
 - (c) section 89K(5A)(b)(14);
 - (d) section 89NA(11)(b)(15);
 - (e) section 131AB(2)(a)(16);

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- (1) 2000 c. 8.
- (2) Section 97A was inserted by S.I. 2019/1043. Section 97A(2)(b) was amended by S.I. 2019/1234. S.I. 2019/1234 was itself amended by S.I. 2020/1301 before it came into force.
- (3) Section 138P was inserted by S.I. 2018/1115; there is an amendment to section 138P that is not relevant.
- (4) Section 143B was inserted by paragraph 1 of Schedule 2 to the Financial Services Act 2021 (c. 22).
- (5) Section 144B was inserted by paragraph 1 of Schedule 3 to the Financial Services Act 2021 (c. 22).
- (6) Section 192O was inserted by S.I. 2020/1406. Section 192O(3) was inserted by paragraph 14(3) of Schedule 3 to the Financial Services Act 2021 (c. 22).
- (7) The definition of “the EMIR regulation” was inserted by S.I. 2013/504 and was amended by S.I. 2019/662, S.I. 2020/117 and S.I. 2020/1385.
- (8) Section 391(8G) was inserted by S.I. 2019/1043 and was amended by S.I. 2019/1234.
- (9) Section 417(1) was amended by S.I. 2012/2554, S.I. 2013/3115, S.I. 2014/2879, S.I. 2016/680, S.I. 2017/701, S.I. 2018/135, S.I. 2018/698, S.I. 2019/632, S.I. 2020/1385 and S.I. 2020/1406.
- (10) Section 139A was inserted by section 24(1) of the Financial Services Act 2012 (c. 21). Section 139A(4) was amended by S.I. 2016/680 and S.I. 2019/632. S.I. 2019/632 was itself amended by S.I. 2020/1301 before it came into force.
- (11) Section 168(4)(jc)(ii) was inserted by S.I. 2017/1255 and was amended by S.I. 2019/632. S.I. 2019/632 was itself amended by S.I. 2020/1301 before it came into force.
- (12) Section 55J was inserted by section 11(2) of the Financial Services Act 2012 (c. 21). Section 55J(6AA) and (7ZB) were inserted by S.I. 2019/632. S.I. 2019/632 was itself amended by S.I. 2020/1301 before it came into force.
- (13) Section 55K was amended by section 11(2) of the Financial Services Act 2012 (c. 21). Section 55K(1)(d) was amended by S.I. 2019/632.
- (14) Section 89K was inserted by section 1268 of the Companies Act 2006 (c. 46). Section 89K(5A) was inserted by S.I. 2019/707.
- (15) Section 89NA was inserted by S.I. 2015/1755. Section 89NA(11) was amended by S.I. 2019/707.
- (16) Section 131AB was inserted by S.I. 2016/680. Section 131AB was amended by S.I. 2017/701, S.I. 2019/310 and S.I. 2021/494.

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- (f) section 137Q(5)(a)(**17**);
- (g) section 137R(5A)(b)(**18**);
- (h) section 141B(2)(**19**);
- (i) section 257(1)(b)(iii)(**20**);
- (j) section 261X(1)(b)(iii)(**21**);
- (k) section 271E(10)(**22**);
- (l) section 288A(**23**);
- (m) section 289(5)(b)(**24**);
- (n) section 290(1A)(a) and (b)(**25**);
- (o) section 292(3)(a)(ii)(aa) and (bb)(**26**);
- (p) section 293A(3)(**27**);
- (q) section 309H(4)(**28**);
- (r) section 309Z8(5)(**29**);
- (s) section 313(1)(**30**), in the definition of “the EMIR regulation”;
- (t) section 391(8AA)(b), (8BA)(b), (8D)(b) and (8E)(b)(**31**);
- (u) section 398(1A)(ea) and (eb)(ii)(**32**);
- (v) section 425C(1)(a) and (ba)(**33**);
- (w) paragraph 8(3)(a) of Schedule 1ZA(**34**);
- (x) paragraph 6(8)(b) of Schedule 6A(**35**);
- (y) paragraphs 11(2)(d)(i)(cc), 23(1) and 23A(d) of Schedule 17A(**36**).

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- (17) Section 137Q was amended by section 24(1) of the Financial Services Act 2012 (c. 21). Section 137Q(5) was inserted by [S.I. 2016/680](#) and [S.I. 2019/632](#).
 - (18) Section 137R was amended by section 24 of the Financial Services Act 2012 (c. 21). Section 137R(5A) was inserted by [S.I. 2019/632](#).
 - (19) Section 141B was inserted by section 65(2) of the Financial Services and Markets Act 2023 (c. 29).
 - (20) Section 257 was inserted by paragraph 9(2)(c) of Schedule 18(1) to the Financial Services Act 2012 (c. 21). Section 257(1)(b) was amended by [S.I. 2011/1613](#). Section 257(1)(b)(iii) was inserted by [S.I. 2018/698](#). Section 257(1)(b)(iii) was amended by [S.I. 2019/325](#).
 - (21) Section 261X was inserted by [S.I. 2013/1388](#). Section 261X(1)(b)(iii) was inserted by [S.I. 2019/325](#).
 - (22) Section 271E(10) was inserted by paragraph 1 of Schedule 9(1) to the Financial Services Act 2021 (c. 22).
 - (23) Section 288A was inserted by [S.I. 2017/1064](#). Section 288 was amended by [S.I. 2019/662](#).
 - (24) Section 289(5) was inserted by [S.I. 2017/1064](#). Section 289(5)(a) to (c) was amended by [S.I. 2019/662](#).
 - (25) Section 290(1A) was inserted by [S.I. 2007/126](#). Section 290(1A) was amended by [S.I. 2017/701](#) and [S.I. 2019/662](#).
 - (26) Section 292(3)(a) was amended by [S.I. 2006/2975](#) and [S.I. 2017/701](#). Section 292(3)(a)(ii) was amended by [S.I. 2011/184](#).
 - (27) Section 293A was inserted by [S.I. 2007/126](#) and was amended by paragraph 11 of Schedule 8 to the Financial Services Act 2012 (c. 21), [S.I. 2017/1064](#) and [S.I. 2019/662](#).
 - (28) Section 309H was inserted by paragraph 1 of Schedule 10 to the Financial Services and Markets Act 2023 (c. 29).
 - (29) Section 309Z8 was inserted by paragraph 1 of Schedule 10 to the Financial Services and Markets Act 2023 (c. 29).
 - (30) The definition of “the EMIR regulation” was inserted by [S.I. 2013/504](#) and was amended by [S.I. 2019/662](#), [S.I. 2020/117](#) and [S.I. 2020/1385](#).
 - (31) Section 391(8AA) was inserted by [S.I. 2019/632](#). Section 391(8BA) was inserted by [S.I. 2019/632](#). Section 391(8D) was inserted by [S.I. 2017/1127](#) and was amended by [S.I. 2019/632](#). Section 391(8E) was inserted by [S.I. 2018/135](#) and was amended by [S.I. 2019/632](#).
 - (32) Section 398 was amended by paragraph 36(3) of Schedule 9(7) to the Financial Services Act 2012 (c. 21). Section 398(1A) was inserted by [S.I. 2013/1773](#). Section 398(1A)(ea) and (eb) was inserted by [S.I. 2017/701](#) and was amended by [S.I. 2019/632](#).
 - (33) Section 425C was inserted by section 48(3) of the Financial Services Act 2012 (c. 21) and was amended by [S.I. 2019/632](#). Section 425C(1) was amended by section 43(2) of the Financial Services Act 2021 (c. 22).
 - (34) Schedule 1 to the Financial Services and Markets Act 2000 (c. 8) was substituted for Schedule 1ZA by Schedule 3 to the Financial Services Act 2012 (c. 21). Paragraph 8(3)(a) of Schedule 1ZA was amended by section 43(3) of the Financial Services Act 2021 (c. 22).
 - (35) Paragraph 6 of Schedule 6A was inserted by Schedule 11 to the Financial Services Act 2021 (c. 22).
 - (36) Paragraph 11 of Schedule 17A was inserted by paragraph 1 of Schedule 7 to the Financial Services Act 2012 (c. 21). Paragraph 11(2)(d) of Schedule 17A was inserted by [S.I. 2013/504](#) and amended by [S.I. 2014/2879](#). Paragraph 11(2)(d) was amended by

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[S.I. 2019/632](#). Paragraph 23 of Schedule 17A was inserted by paragraph 1 of Schedule 7 to the Financial Services Act 2012 ([c. 21](#)) and amended by [S.I. 2013/504](#) and [S.I. 2014/2879](#). Paragraph 23(1) and (2) of Schedule 17A was amended by paragraph 51(4) of Schedule 2(2) to the Bank of England and Financial Services Act 2016 ([c. 14](#)). Paragraph 23(1) of Schedule 17A was amended by [S.I. 2017/1064](#) and [S.I. 2019/63](#). Paragraph 23A of Schedule 17A was inserted by [S.I. 2019/662](#).