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## STATUTORY INSTRUMENTS

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# 2023 No. 779

## The Financial Services and Markets Act 2023 (Commencement No. 1) Regulations 2023

### Other provisions of the Act coming into force on 29th August 2023

4. The following provisions of the Act come into force on 29th August 2023—
- (a) section 2(1) (transitional amendments), so far as it relates to the provisions in paragraph (zz) of this regulation;
  - (b) section 4 (power to restate and modify saved legislation);
  - (c) section 5 (power to replace references to EU directives);
  - (d) section 6 (restatement in rules: exemption from consultation requirements etc.);
  - (e) section 8 (designated activities);
  - (f) section 9(6) (rules relating to central counterparties and central securities depositories);
  - (g) section 11 (rules relating to investment exchanges and data reporting service providers);
  - (h) section 13 (testing of FMI technologies or practices);
  - (i) section 14 (reports on FMI sandboxes);
  - (j) section 15 (permanent implementation of arrangements tested under an FMI sandbox);
  - (k) section 16 (regulations);
  - (l) section 17 (interpretation);
  - (m) section 18 (critical third parties: designation and powers);
  - (n) section 19 (critical third parties: related amendments);
  - (o) section 23 (digital settlement assets: power to make regulations);
  - (p) section 25 (competitiveness and growth objective);
  - (q) section 26 (competitiveness and growth objective: reporting requirements);
  - (r) section 27 (regulatory principles), so far as it relates to the need to contribute towards achieving compliance by the Secretary of State with section 1 of the Climate Change Act 2008 (UK net zero emissions target)(1);
  - (s) section 28 (sections 25 and 27: consequential amendments);
  - (t) section 29 (review of rules);
  - (u) section 30 (Treasury power in relation to rules);
  - (v) section 31 (matters to consider when making rules);
  - (w) section 32 (effect of rules etc. on deference decisions);
  - (x) section 34 (power to disapply or modify rules);
  - (y) section 35 (responses to recommendations of the Treasury);

- (z) section 36 (public consultation requirements);
- (aa) section 37 (engagement with statutory panels);
- (bb) section 38 (engagement with Parliamentary Committees);
- (cc) section 39 (reporting requirements);
- (dd) section 40 (duty to co-operate and consult in exercising functions);
- (ee) section 41 (Listing Authority Advisory Panel), except so far as it inserts section 1QA(7) into the Financial Services and Markets Act 2000(2);
- (ff) section 42 (Insurance Practitioner Panel), except so far as it inserts section 2MA(6) into the Financial Services and Markets Act 2000;
- (gg) section 43 (cost benefit analysis panels), except so far as it inserts section 138IA(2)(a), (3) and (10) and section 138JA(2)(a), (3) and (10) into the Financial Services and Markets Act 2000;
- (hh) section 44 (statement of policy on cost benefit analyses);
- (ii) section 45 (statement of policy on panel appointments);
- (jj) in section 46 (composition of panels)—
  - (i) paragraph (1), so far as it relates to the provisions in sub-paragraph (ii);
  - (ii) paragraphs (2), (7) and (9), so far as conferring a power to make regulations;
- (kk) section 47 (panel reports);
- (ll) section 51 (Payment Systems Regulator), so far as it relates to the provisions in paragraph (ccc) of this regulation;
- (mm) section 53 (consultation on rules);
- (nn) section 57 (central counterparties in financial difficulties), so far as it relates to the provisions in paragraph (ddd) of this regulation;
- (oo) section 59 (application of provisions to regulatory functions under this Act);
- (pp) section 63 (the Ombudsman scheme);
- (qq) section 65 (power to amend enactments in consequence of rules);
- (rr) section 66 (ambulatory references);
- (ss) section 67 (power to amend or repeal certain provisions of the Financial Services and Markets Act 2000);
- (tt) section 68 (power under the Financial Services and Markets Act 2000 to make transitional provisions);
- (uu) section 69 (cryptoassets);
- (vv) section 73 (credit unions);
- (ww) section 75 (Banking Act 2009: miscellaneous amendments);
- (xx) section 76 (arrangements for the investigation of complaints);
- (yy) section 79 (forest risk commodities: review);
- (zz) in Schedule 2 (transitional amendments)—
  - (i) in Part 1 (amendments to the Markets in Financial Instruments Regulation)—
    - (aa) paragraph 5 and 6;
    - (bb) paragraph 9;

- (cc) paragraph 13 to 16;
- (dd) paragraph 19, so far as it relates to the omission of the reference to Article 5;
- (ee) paragraph 25, so far as it relates to the omission of the reference to Article 5;
- (ii) Part 2 (amendments to the European Market Infrastructure Regulation);
- (iii) Part 3 (amendments to the EU Securitisation Regulation);
- (iv) Part 6 (amendments relating to critical third parties);
- (aaa) Schedule 3 (new Schedule 6B to the Financial Services and Markets Act 2000);
- (bbb) Schedule 4 (FMI sandboxes);
- (ccc) in Schedule 7 (accountability of the Payment Systems Regulator)—
  - (i) paragraph 1, so far as it relates to the provisions in sub-paragraphs (ii) to (vi);
  - (ii) paragraph 2, so far as it inserts subsection (11A) into section 39 of the Financial Services (Banking Reform) Act 2013<sup>(3)</sup>;
  - (iii) paragraph 3, so far as it relates to the need to contribute towards achieving compliance by the secretary of state with section 1 of the Climate Change Act 2008 (UK net zero emissions target);
  - (iv) paragraphs 4 to 6;
  - (v) paragraph 7, so far as it inserts—
    - (aa) sections 104A to 104F, 104H and 104I into the Financial Services (Banking Reform) Act 2013;
    - (bb) section 104G into that Act, save for the insertion of subsections (1)(a) and (2);
  - (vi) paragraphs 9 to 13;
- (ddd) in Schedule 11 (central counterparties)—
  - (i) paragraph 3(9) to (11) (Bank of England statement of policy relating to directions under paragraph 2);
  - (ii) paragraph 13(5) to (7) (Bank of England statement of policy relating to directions under paragraph 13);
  - (iii) paragraph 16 (code of practice);
  - (iv) paragraph 20 (resolution liaison panel);
  - (v) paragraph 22(10) to (12) (power to make regulations regarding valuation methodology);
  - (vi) paragraph 25(2), (3), (5) and (8) (power to confer functions on independent valuers and make provision about procedure);
  - (vii) paragraph 32(3) to (5) (power to make regulations regarding cash call instruments);
  - (viii) paragraph 75 (restriction of partial transfers);
  - (ix) paragraph 76 (power to protect certain interests);
  - (x) paragraph 78 (regulations for safeguarding certain financial arrangements: write-down instruments);
  - (xi) paragraph 85 (deferment);
  - (xii) paragraph 87 (compensation scheme);
  - (xiii) paragraph 154 (interpretation);

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**Changes to legislation:** There are currently no known outstanding effects for the The Financial Services and Markets Act 2023 (Commencement No. 1) Regulations 2023, Section 4. (See end of Document for details)

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- (xiv) paragraph 165 (modified application of corporate law to CCPs in resolution);
- (eee) Schedule 14 (credit unions).

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**Commencement Information**

**II** Reg. 4 in force at made date

**Changes to legislation:**

There are currently no known outstanding effects for the The Financial Services and Markets Act 2003 (Commencement No. 1) Regulations 2023, Section 4.