
STATUTORY INSTRUMENTS

2024 No. 102

The Securitisation Regulations 2024

PART 2

Designated activities

FCA rules

5.—(1) The FCA may make designated activity rules relating to the activities specified in regulation 4.

(2) Rules made by virtue of paragraph (1) may not impose requirements on a PRA-authorised person with respect to—

- (a) due diligence in relation to any securitisation, including monitoring, stress-testing and risk management,
- (b) the retention of any interest or risk in any securitisation or the selection of the assets for the securitisation,
- (c) the provision of information in relation to any securitisation,
- (d) the inclusion of securitisation positions in the underlying exposures that may be used in a securitisation, or
- (e) arrangements concerning the granting of credit applying to exposures to be securitised, or verification of the making of such arrangements where the originator purchases exposures from a third party on its own account.

(3) Paragraph (2) does not apply to the imposition of requirements with respect to STS criteria or STS notifications.

(4) The FCA must consult the PRA before making rules by virtue of paragraph (1) imposing a requirement on a PRA-authorised person.

(5) The FCA may by notice suspend any rules made by virtue of paragraph (1) for such period as it considers appropriate (and see section 71N(6)(1) which imposes a duty to consult the PRA beforehand).

(6) Rules made by virtue of paragraph (1) may include provision—

- (a) enabling requirements imposed by the rules to be dispensed with, modified, or reimposed (with or without modification) in such cases or circumstances as may be determined by the FCA under the rules;
- (b) enabling publication of any decision made under sub-paragraph (a) in the way appearing to the FCA to be best calculated to bring it to the attention of persons likely to be affected by it.