
DRAFT STATUTORY INSTRUMENTS

2023 No.

**The Financial Services and Markets Act 2000 (Commodity
Derivatives and Emission Allowances) Order 2023**

**Amendment of the Financial Services and Markets Act 2000 (Regulated Activities) Order
2001**

2.—(1) The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001⁽¹⁾ is amended as follows.

(2) In article 3(1) (interpretation)—

(a) in the definition of “investment firm”—

(i) in sub-paragraph (a), omit the words from “and with” to the end;

(ii) in sub-paragraph (b), omit “and with Commission Delegated Regulation (EU) 2017/592”;

(b) in the definition of “qualifying credit institution”, in sub-paragraph (d), omit the words from “and with” to the end.

(3) In article 3(1A) (read with the definition of “market operator” in article 3(1))—

(a) in sub-paragraph (a), omit the words from “and with” to “main business”;

(b) in sub-paragraph (b), omit “and with Commission Delegated Regulation (EU) 2017/592”.

(4) Omit article 72J (persons seeking to use the exemption under Article 2.1(j) of the markets in financial instruments directive).

(5) In paragraph 2(c) of Part 1 of Schedule 3 (exemptions from the definition of “investment firm”), for the words from the beginning to “the FCA” in the second place it occurs, substitute “P reports to the FCA under regulation 47 of the Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017”.

⁽¹⁾ [S.I. 2001/544](#). Amended by [S.I. 2017/1255](#), [2018/1403](#), [2019/632](#). There are other amendments which are not relevant.