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Financial Services and Markets Act 2023

CHAPTER 29

FINANCIAL SERVICES AND MARKETS ACT 2023

PART 1

REGULATORY FRAMEWORK

CHAPTER 1

REVOCATION OF RETAINED EU LAW

- Revocation of retained EU law relating to financial services and markets
- 2 Transitional amendments
- 3 Power to make further transitional amendments
- 4 Power to restate and modify saved legislation
- 5 Power to replace references to EU directives
- 6 Restatement in rules: exemption from consultation requirements etc
- 7 Interpretation of Chapter

CHAPTER 2

NEW REGULATORY POWERS

Designated activities regime

8 Designated activities

Financial market infrastructure: general rules and requirements

9 Rules relating to central counterparties and central securities depositories

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- 10 Central counterparties and central securities depositories: other requirements
- 11 Rules relating to investment exchanges and data reporting service providers
- 12 Treasury directions to Bank of England: restrictions

Financial market infrastructure: piloting powers

- 13 Testing of FMI technologies or practices
- 14 Reports on FMI sandboxes
- 15 Permanent implementation of arrangements tested under an FMI sandbox
- 16 Regulations
- 17 Interpretation

Powers in relation to critical third parties

- 18 Critical third parties: designation and powers
- 19 Critical third parties: related amendments

Financial promotion

20 Financial promotion

Sustainability disclosure requirements

21 Sustainability disclosure requirements

Digital settlement assets

- 22 Digital settlement assets
- 23 Digital settlement assets: power to make regulations

Mutual recognition

24 Implementation of mutual recognition agreements

CHAPTER 3

ACCOUNTABILITY OF REGULATORS

FCA and PRA objectives and regulatory principles

- 25 Competitiveness and growth objective
- 26 Competitiveness and growth objective: reporting requirements
- 27 Regulatory principles
- 28 Sections 25 and 27: consequential amendments

FCA and PRA powers to make rules etc

- 29 Review of rules
- 30 Treasury power in relation to rules
- 31 Matters to consider when making rules
- 32 Effect of rules etc on deference decisions
- 33 Effect of rules etc on international trade obligations
- Power to disapply or modify rules

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FCA and PRA engagement

- 35 Responses to recommendations of the Treasury
- 36 Public consultation requirements
- 37 Engagement with statutory panels
- 38 Engagement with Parliamentary Committees
- 39 Reporting requirements

Co-operation of FCA and others

40 Duty to co-operate and consult in exercising functions

Panels and policy statements

- 41 Listing Authority Advisory Panel
- 42 Insurance Practitioner Panel
- 43 Cost Benefit Analysis Panels
- 44 Statement of policy on cost benefit analyses
- 45 Statement of policy on panel appointments
- 46 Composition of panels
- 47 Panel reports

Bank of England regulatory powers

- 48 Exercise of FMI regulatory powers
- 49 Bank of England: rule-making powers
- 50 Application of FSMA 2000 to FMI functions

Payment Systems Regulator

- 51 Payment Systems Regulator
- 52 Chair of the Payment Systems Regulator as member of FCA Board

Consultation on rules

53 Consultation on rules

PART 2

ACCESS TO CASH

- 54 Cash access services
- 55 Wholesale cash distribution

PART 3

PERFORMANCE OF FUNCTIONS RELATING TO FINANCIAL MARKET INFRASTRUCTURE

Recognised bodies: senior managers and certification

PART 4

CENTRAL COUNTERPARTIES IN FINANCIAL DIFFICULTIES

57 Central counterparties in financial difficulties

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PART 5

INSURERS IN FINANCIAL DIFFICULTIES

58 Insurers in financial difficulties

PART 6

MISCELLANEOUS

Amendments to FSMA 2000

- 59 Application of provisions to regulatory functions under this Act
- 60 Formerly authorised persons
- 61 Control over authorised persons
- 62 Financial services compensation scheme
- 63 The Ombudsman scheme
- 64 Unauthorised co-ownership AIFs
- 65 Power to amend enactments in consequence of rules
- 66 Ambulatory references
- 67 Power to amend or repeal certain provisions of FSMA 2000
- 68 Power under FSMA 2000 to make transitional provisions
- 69 Cryptoassets

Bank of England levy

- 70 Bank of England levy
- 71 Bank of England levy: consequential amendments

Other miscellaneous provisions

- 72 Liability of payment service providers for fraudulent transactions
- 73 Credit unions
- 74 Reinsurance for acts of terrorism
- 75 Banking Act 2009: miscellaneous amendments
- 76 Arrangements for the investigation of complaints
- 77 Politically exposed persons: money laundering and terrorist financing
- 78 Politically exposed persons: review of guidance
- 79 Forest risk commodities: review

PART 7

GENERAL

- 80 Interpretation
- 81 Pre-commencement consultation
- 82 Financial provision
- 83 Power to make consequential provision
- 84 Regulations
- 85 Extent
- 86 Commencement
- 87 Short title

SCHEDULES

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- PART 1 RETAINED DIRECT PRINCIPAL EU LEGISLATION
- PART 2 SUBORDINATE LEGISLATION
- PART 3 EU TERTIARY LEGISLATION ETC
- PART 4 PRIMARY LEGISLATION
- PART 5 OTHER EU-DERIVED LEGISLATION

SCHEDULE 2 — Transitional amendments

PART 1 — AMENDMENTS TO THE MARKETS IN FINANCIAL INSTRUMENTS REGULATION

- 1 Introductory
- 2 Transparency requirements for equities
- 3 For Article 4 substitute— Article 4 Waivers for equity instruments...
- 4 After Article 4 insert— Article 4a Suspension of waivers The FCA may direct that a waiver provided for by...
- 5 Omit Article 5 (volume cap mechanism).
- 6 (1) Article 14 (obligation for systematic internalisers to make public...
- 7 Transparency requirements for fixed income instruments and derivatives etc
- 8 Systematic internalisers and other investment firms
- 9 In Article 17a (tick sizes), in the second paragraph, omit...
- 10 For Article 18 substitute— Article 18 Systematic internalisers: pre-trade transparency...
- 11 For Article 21 substitute— Article 21 Investment firms (including systematic...
- 12 Systematic internalisers and other investment firms
- 13 Share trading obligation
- 14 In Article 1(2E), omit "Article 23,".
- 15 Derivatives trading obligation
- 16 (1) Article 28 (obligation to trade on regulated markets, MTFs...
- 17 After Article 28 insert— Article 28a Suspension or modification of...
- For Article 31 substitute— Article 31 Risk reduction services The FCA may by rules provide for one or more...
- 19 Consequential amendments relating to this Part
- 20 In Article 12(1) after "accordance with" insert ", or with...
- 21 In Article 13(1) after "accordance with" insert ", or with...
- Omit Article 19.
- 23 In Article 26(3), omit "and Article 21(5)(a)".
- 24 In Article 47(1A)(a), after "Regulation" insert "or in rules made...
- 25 In Article 50B (FCA directions), omit "Article 5, Article 9...
- 26 (1) Article 50C (other FCA directions) is amended as follows....
- 27 (1) Article 50D (FCA rules) is amended as follows.
 - PART 2 AMENDMENTS TO THE EUROPEAN MARKET INFRASTRUCTURE REGULATION
- 28 Regulation (EU) No 648/2012 on OTC derivatives, central counterparties and...
- 29 After Article 6a insert— Article 6b Risk reduction services The Bank of England may by rules provide for the...
- 30 After Article 84b insert— Article 84c Bank of England rules...
 - PART 3 AMENDMENTS TO THE EU SECURITISATION REGULATION
- 31 Introductory
- 32 STS equivalent non-UK securitisations
- 33 After Article 28 (third party verifying STS compliance) insert—CHAPTER...

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- 34 Minor and consequential amendments
- 35 In Article 4 (requirements for securitisation special purpose entities)—
- 36 (1) Article 5 (due-diligence requirements for institutional investors) is amended...
- 37 (1) Article 46 (Treasury review) is amended as follows.
- 38 In Regulation (EU) No 575/2013 of the European Parliament and...
- 39 In Commission Delegated Regulation (EU) 2015/35 of 10 October 2014...
- 40 In Article 11(1) of Regulation (EU) 2017/1131 of the European...
- 41 The Securitisation Regulations 2018 (S.I. 2018/1288) are amended in accordance...
- 42 In regulation 2 (interpretation), in the definition of "SRUP", in...
- In regulation 4 (designation of competent authorities), in paragraph (1) (b),...
 - PART 4 AMENDMENTS TO THE FINANCIAL SERVICES AND MARKETS ACT 2000 (MARKETS IN FINANCIAL INSTRUMENTS) REGULATIONS 2017
- 44 Introductory
- 45 Position limits for commodity derivatives
- 46 (1) Regulation 16 (FCA duty to establish position limits) is...
- 47 (1) Regulation 27 (FCA power to require information) is amended...
- 48 (1) Regulation 28 (FCA power to intervene) is amended as...
- 49 In regulation 29 (interpretation of Part 3), in paragraph (2)—...
- 50 Consequential revocations relating to this Part
 - PART 5 AMENDMENTS TO THE CENTRAL COUNTERPARTIES (AMENDMENT, ETC., AND TRANSITIONAL PROVISION) (EU EXIT) REGULATIONS 2018
- 51 (1) Regulation 19B of the Central Counterparties (Amendment, etc., and...
 - PART 6 AMENDMENTS RELATING TO CRITICAL THIRD PARTIES
- 52 The Electronic Money Regulations 2011 (S.I. 2011/99) are amended in
- 53 In regulation 48 (monitoring and enforcement), after paragraph (1)(a) insert—
- 54 In regulation 49 (reporting requirements), after paragraph (1) insert—
- 55 In regulation 50 (public censure), after "Regulations" insert "or, in...
- 56 In regulation 51 (financial penalties)—(a) omit "or" at the...
- 57 In regulation 52 (suspending authorisation etc), in paragraph (1) after...
- 58 In regulation 54 (injunctions)— (a) omit "or" at the end...
- 59 In regulation 55 (power to require restitution), in paragraph (1)...
- In regulation 57 (restitution orders), in paragraph (1) after "requirement,"...
- 61 In regulation 58 (complaints), in paragraph (1)—
- 62 In Schedule 3 (application and modification of legislation)—
- 63 The Payment Services Regulations 2017 (S.I. 2017/752) are amended in
- 64 In regulation 108 (monitoring and enforcement), after paragraph (1)(a) insert—...
- 65 In regulation 109 (reporting requirements), after paragraph (1) insert—
- 66 In regulation 110 (public censure), after "Regulations" insert "or, in...
- 67 In regulation 111 (financial penalties)— (a) omit "or" at the...
- 68 In regulation 113 (injunctions)— (a) omit "or" at the end...
- 69 In regulation 114 (power to require restitution), in paragraph (1)...

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- 70 In regulation 116 (restitution orders), in paragraph (1) after "requirement,"...
- 71 In regulation 117 (complaints), in paragraph (1)—
- 72 In Schedule 6 (application and modification of legislation)—

SCHEDULE 3 — New Schedule 6B to FSMA 2000

SCHEDULE 4 — FMI Sandboxes

- 1 Participation
- 2 Technology
- 3 Practices
- 4 Financial instruments
- 5 Settlement of payments
- 6 Requirements
- 7 Cooperation
- 8 Transparency and reporting
- 9 Enforcement

SCHEDULE 5 — Financial promotion: related amendments

- 1 FSMA 2000 is amended as follows.
- 2 In section 1H (further interpretative provisions for sections 1B to...
- 3 In section 25 (contravention of section 21), in subsection (2)(a)...
- 4 In section 55A (application for permission), after subsection (5) insert
- 5 (1) Section 55O (imposition of requirements on acquisition of control)...
- 6 In section 55R (persons connected with an applicant), in subsection...
- 7 In section 55U (applications under Part 4A), after subsection (3)...
- 8 In section 55V (determination of applications), in subsection (5)—
- 9 (1) Section 55X (determination of applications: warning notices and decision...
- 10 (1) Section 55Y (exercise of own-initiative power: procedure) is amended...
- 11 (1) Section 55Z (cancellation of Part 4A permission: procedure) is...
- 12 In section 55Z3 (right to refer matters to the Tribunal),...

SCHEDULE 6 — Digital settlement assets

PART 1 — AMENDMENTS TO THE BANKING ACT 2009

- 1 The Banking Act 2009 is amended as follows.
- 2 In the heading to Part 5 (payment systems), after "systems"...
- In section 181 (overview), after "services" insert ", including".
- 4 (1) Section 182 (interpretation of payment system) is amended as...
- 5 (1) Section 183 (interpretation of other expressions) is amended as...
- 6 In the cross-heading before section 184 (recognition order), after "systems"...
- 7 In the heading to section 184, after "order" insert...
- 8 In section 184, in subsection (4), after "constituting" insert "or...
- 9 After section 184 insert— Recognition order: DSA service provider (1) The Treasury may by order ("recognition order") specify a...
- 10 In the heading to section 185 (recognition criteria) after "criteria"...
- After section 185 insert— Recognition criteria: DSA service provider (1) The Treasury may make a recognition order in respect...
- 12 (1) Section 186 (procedure) is amended as follows.
- 13 (1) Section 186A (amendment of recognition order) is amended as...

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- 14 (1) Section 187 (de-recognition) is amended as follows.
- 15 (1) Section 188 (principles) is amended as follows.
- 16 In section 189 (codes of practice)— (a) the words after...
- 17 In section 190 (system rules), in subsection (1)(a)—
- 18 After section 190 insert— Service provider rules (1) The Bank of England may require a recognised DSA...
- 19 (1) Section 191 (directions) is amended as follows.
- 20 After section 192 (role of FCA and PRA), insert— Power...
- 21 (1) Section 193 (inspection) is amended as follows.
- 22 (1) Section 194 (inspection: warrant) is amended as follows.
- 23 (1) Section 195 (independent report) is amended as follows.
- 24 In section 196 (compliance failure)— (a) after first "system" insert...
- 25 In section 197 (publication), in subsection (1)—
- 26 In section 198 (penalty), in subsection (1)—
- 27 (1) Section 199 (closure) is amended as follows.
- 28 (1) Section 200 (management disqualification) is amended as follows.
- 29 (1) Section 201 (warning) is amended as follows.
- 30 In section 202 (appeal), in subsection (2)—
- 31 (1) Section 202A (injunctions) is amended as follows.
- 32 In section 203 (fees), in subsection (1)—
- After section 203B (annual report) insert—Policy statement (1) The Bank of England must prepare a statement of...
- 34 (1) Section 204 (information) is amended as follows.
- 35 (1) Section 205 (pretending to be recognised) is amended as...
- 36 (1) Section 206 (saving for informal oversight) is amended as...
- 37 (1) Section 206A (services forming part of recognised payment systems)...
- 38 After section 206A insert— Service providers connected with a recognised...
- 39 In section 259 (statutory instruments), in the Table in subsection...
 PART 2 AMENDMENTS TO THE FINANCIAL SERVICES (BANKING)
 - REFORM) ACT 2013
- 40 The Financial Services (Banking Reform) Act 2013 is amended as...
- 41 (1) Section 41 (meaning of payment system) is amended as...
- 42 (1) Section 42 (participants in payment systems) is amended as...
- 43 In section 98 (duty of regulators to ensure co-ordinated exercise...
- In section 110 (interpretation of Part), at the appropriate place...
- 45 In section 112 (interpretation: infrastructure companies), after subsection (2)(a) insert—...
- 46 In section 113 (interpretation: other expressions), in subsection (1) at...
- 47 (1) Section 115 (objective of FMI administration) is amended as...
- 48 In section 143 (Parliamentary control of orders and regulations), after...

SCHEDULE 7 — Accountability of the Payment Systems Regulator

- 1 The Financial Services (Banking Reform) Act 2013 is amended as...
- 2 In section 39 (overview)—(a) after subsection (11) insert—
- 3 In section 53 (regulatory principles), in paragraph (c) at the...
- 4 After section 102 (power of PRA to require Regulator to...
- 5 Before section 103 (regulator's general duty to consult) insert (under...
- 6 In section 104 (consultation in relation to generally applicable requirements)—...
- 7 After section 104 insert— Requirements in connection with public consultations...

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- 8 After section 107 insert—International trade obligations (1) This section applies where it appears to the Payment...
- 9 In section 110(1) (interpretation), at the appropriate place insert—"generally...
- In section 143 (orders and regulations: Parliamentary control), in subsection...
- In Schedule 4 (the Payment Systems Regulator), after paragraph 7(2) (b)...
- 12 In Schedule 4, after paragraph 7 insert— Other reports (1) The Treasury may (subject to this paragraph) at any...
- 13 In Schedule 4, after paragraph 14 insert— Engagement with Parliamentary...

SCHEDULE 8 — Cash access services

PART 1 — NEW PART 8B OF FSMA 2000

- 1 After Part 8A of FSMA 2000 (short selling) insert—PART...
 PART 2 CONSEQUENTIAL AMENDMENTS TO FSMA 2000
- 2 FSMA 2000 is amended as follows.
- 3 In section 3D (duty of FCA and PRA to ensure...
- 4 In section 55H (variation by FCA at request of authorised...
- 5 In section 55L (imposition of requirements by FCA), in subsection...
- 6 In section 55T (persons whose interests are protected), after "operational...
- 7 In section 232A (ombudsman scheme operator's duty to provide information...
- 8 In section 395 (the FCA's and PRA's procedures), in subsection...
- 9 In section 429 (Parliamentary control of statutory instruments), in subsection...

SCHEDULE 9 — Wholesale cash distribution

PART 1 — NEW PART 5A OF THE BANKING ACT 2009

1 After Part 5 of the Banking Act 2009 (payment systems)...

PART 2 — AMENDMENTS TO PART 6 OF THE FINANCIAL SERVICES (BANKING REFORM) ACT 2013

- 2 Part 6 of the Financial Services (Banking Reform) Act 2013...
- In section 111 (financial market infrastructure administration), in the heading....
- 4 (1) Section 112 (interpretation: infrastructure companies) is amended as follows....
- 5 In section 113 (interpretation: other expressions), in subsection (1)—
- 6 In section 115 (objective of FMI administration), after subsection (1A)...
- 7 In section 119 (continuity of supply), in subsection (6), in...
- 8 In section 120 (power to direct FMI administrator), in subsection...
- 9 In section 127 (interpretation of Part), in subsection (1), at... PART 3 CONSEQUENTIAL AMENDMENTS
- 10 Banking Act 2009
- 11 In section 259 (statutory instruments), in subsection (3), in the...
- 12 In section 261 (index of defined terms)—
- 13 Financial Services Act 2012
- 14 (1) Section 85 (relevant functions in relation to complaints scheme)...
- 15 (1) Section 110 (payment to Treasury of penalties received by...
- 16 Financial Services (Banking Reform) Act 2013

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SCHEDULE 10 — Performance of functions relating to financial market infrastructure

PART 1 — NEW CHAPTER 2A OF PART 18 OF FSMA 2000

- 1 In Part 18 of FSMA 2000 (recognised investment exchanges, clearing... PART 2 RELATED AMENDMENTS
- 2 Amendments to FSMA 2000
- 3 (1) Section 56 (prohibition orders) is amended as follows—
- 4 (1) Section 57 (prohibition orders: procedure and right to refer...
- 5 In section 59AB(1) (specifying functions as controlled functions: transitional provision),...
- 6 In section 133(7A) (proceedings before Tribunal: general provision), after paragraph...
- 7 In section 138A (modification or waiver of rules), in subsection...
- 8 (1) Section 168 (appointment of persons to carry out investigations...
- 9 In the heading of Chapter 3B of Part 18, at...
- 10 Section 312FA is omitted.
- 11 In section 313 (interpretation of Part 18), in subsection (1)—...
- 12 (1) Section 347 (the record of authorised persons etc) is...
- 13 In section 391 (publication of notices), in subsection (1ZB), after...
- 14 (1) Section 392 (application of sections 393 and 394) is...
- 15 In section 395 (the FCA's and PRA's procedures), in subsection...
- 16 (1) Section 417(1) (interpretation) is amended as follows.
- 17 In section 429 (Parliamentary control of statutory instruments)
- 18 (1) Schedule 1ZA (the Financial Conduct Authority) is amended as...
- 19 In Schedule 2A (Gibraltar-based persons carrying on activities in the...
- 20 (1) Schedule 17A (further provision in relation to exercise of...
- 21 Financial Services Act 2012

SCHEDULE 11 — Central counterparties

PART 1 — INTRODUCTORY

1 Overview

PART 2 — Pre-resolution powers of the Bank of England

- 2 Removal of impediments to the exercise of stabilisation powers etc
- 3 Safeguards relating to directions under paragraph 2

PART 3 — RESOLUTION PLANS

4 Resolution plans

PART 4 — REMOVAL OF DIRECTORS AND SENIOR MANAGERS

- 5 Removal of directors and senior managers
- 6 Temporary manager
- 7 Paragraphs 5 and 6: conditions
- 8 Temporary manager: further provisions in relation to the appointment
- 9 Temporary manager: instrument of appointment
- 10 Right to refer matters to the Tribunal
- 11 Removal of directors and senior managers and appointment of temporary manager: procedure
- 12 Removal of directors and senior managers and appointment of temporary manager: notice requirements
- 13 Temporary restriction on remuneration
- 14 Restriction on remuneration: review and revocation

PART 5 — SPECIAL RESOLUTION ACTION

- 15 Special resolution objectives
- 16 Code of Practice
- 17 General conditions

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- 18 Effect on other group members
- 19 Specific conditions: financial assistance cases
- 20 Resolution liaison panel
- 21 Restrictions on use of certain resolution powers
- 22 Pre-resolution valuation
- 23 Replacement of Bank's provisional valuation
- 24 Independent valuer: valuation under paragraph 22 or 23
- 25 Independent valuer: supplemental
- 26 Consequences of a replacement valuation
- 27 Private sector purchaser
- 28 Private sector purchaser: marketing
- 29 Bridge central counterparty
- 30 Transfer of ownership
- 31 Tear-up power
- 32 Cash call power
- 33 Power to reduce variation margin payments
- 34 Write-down power
- 35 Powers in relation to securities
- 36 Report on provisions in write-down instrument
- 37 Priority between creditors
- 38 Power to take control
- 39 Shadow directors etc
- 40 Interpretation: "securities"
- 41 Share transfer instrument
- 42 Effect
- 43 Continuity
- 44 Conversion and delisting
- 45 Directors and senior managers
- 46 Ancillary instruments: production, registration, etc
- 47 Incidental provision
- 48 Procedure: instruments
- 49 Supplemental instruments
- 50 Onward transfer
- 51 Reverse share transfer
- 52 Bridge central counterparties: share transfers
- 53 Bridge central counterparties: reverse share transfer
- 54 Property transfer instrument
- 55 Effect
- 56 Transferable property
- 57 Continuity
- 58 Directors and senior managers
- 59 Recognised central counterparty rules
- 60 Recognised central counterparty membership
- 61 Licences
- 62 Foreign property
- 63 Incidental provision
- 64 Procedure
- 65 Property transfer instrument: delisting
- 66 Transfer of property subsequent to resolution instrument
- 67 Supplemental instruments
- 68 Private sector purchaser: reverse property transfer
- 69 Onward transfer
- 70 Bridge central counterparties: reverse property transfer

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- 71 Transfer of ownership and private sector purchaser: property transfer
- 72 Transfer of ownership: reverse property transfer
- 73 Bridge central counterparty: supplemental property transfer powers
- 74 Bridge central counterparty: supplemental reverse property transfer powers
- 75 Restriction of partial transfers
- 76 Power to protect certain interests
- 77 Creation of liabilities
- 78 Regulations for safeguarding certain financial arrangements: write-down instruments
- 79 Resolution instruments: effect and supplementary matters
- 80 Write-down instruments: supplementary
- 81 Resolution instruments: procedure
- 82 Supplemental resolution instruments
- 83 Directors and senior managers
- 84 Termination rights etc
- 85 Deferment
- 86 Recovery of expenses
- 87 Compensation scheme
- 88 Instruments: notification of members and creditors
- 89 General continuity obligation: property transfers
- 90 Special continuity obligations: property transfers
- 91 Continuity obligations: onward property transfers
- 92 General continuity obligation: share transfers
- 93 Special continuity obligations: share transfers
- 94 Continuity obligations: onward share transfers
- 95 Continuity obligations: consideration and terms
- 96 Continuity obligations: termination
- 97 Suspension of obligations
- 98 Restriction of security interests
- 99 Suspension of termination rights
- 100 Suspension: general provision
- 101 Stay on terminating membership
- 102 Restriction on remuneration
- 103 Pensions
- 104 Disputes
- 105 Tax
- 106 Stay or sist of legal proceedings
- 107 Insolvency proceedings
- 108 Recognition of transferee company
- 109 International obligation notice: general
- 110 International obligation notice: bridge central counterparty
- 111 Public funds: general
- 112 Public funds: bridge central counterparty
- 113 Private sector purchaser: report
- 114 Bridge central counterparty: report
- 115 Resolution instruments: report
- 116 Transfer of ownership: report
- 117 Sale to commercial purchaser, transfer to bridge central counterparty and transfer of ownership: conditions for group companies
- 118 Paragraph 117: supplemental
 - PART 6 INFORMATION, INVESTIGATION AND ENFORCEMENT
- 119 Information

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- 120 Reports by skilled persons
- 121 Appointment of persons to carry out general investigations
- 122 Appointment of person to carry out investigations in particular cases
- 123 Investigations etc in support of foreign resolution authorities
- 124 Investigations: general
- 125 Powers of persons appointed under paragraph 121
- Powers of persons appointed as a result of paragraph 122
- 127 Admissibility of statements made to investigators
- 128 Information and documents: supplemental provision
- 129 Protected items
- 130 Entry of premises under warrant
- Retention of documents obtained under paragraph 130
- 132 Offences etc
- 133 Prosecution of offences under paragraph 132
- Offences under paragraph 132 by bodies corporate etc
- 135 Injunctions to prevent failure to comply with relevant requirement
- 136 Regulatory sanctions
- 137 Determination of sanctions
- 138 Procedure: warning notice
- 139 Procedure: decision notice
- 140 Procedure: general
- 141 Appeals
- 142 Injunctions: failure to comply with certain paragraph 136 sanctions
- 143 Publication
- 144 Co-operation

PART 7 — THIRD-COUNTRY RESOLUTION ACTIONS

- 145 Third-country resolution actions
- 146 Effects of recognition on third-country resolution action
- 147 Third-country instruments: supplementary provision PART 8 GENERAL
- 148 Information
- 149 Restrictions on disclosure of confidential information
- 150 Remedies on judicial review
- 151 Giving of notices, documents etc under this Schedule
- 152 "Financial assistance"
- 153 Modifications to the law
- 154 Interpretation
- 155 Recognised central counterparty
- 156 Interpretation: "CCP group company", etc PART 9 — TREASURY SUPPORT FOR CCPS
- 157 Consolidated Fund
- 158 National Loans Fund

PART 10 — CONSEQUENTIAL ETC PROVISION

- 159 Bank of England Act 1998
- 160 Financial Services and Markets Act 2000
- 161 Companies Act 2006
- 162 Banking Act 2009
- 163 Financial Services Act 2012
- 164 Financial Services (Banking Reform) Act 2013
- Modified application of corporate law to CCPs in resolution

SCHEDULE 12 — Write-down orders

PART 1 — WRITE-DOWN ORDERS: MAIN PROVISIONS

Changes to legislation: Financial Services and Markets Act 2023 is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 1 (1) Part 24 of FSMA 2000 (insolvency) is amended as... PART 2 — THE MANAGER OF A WRITE-DOWN ORDER
- 2 After Schedule 19 to FSMA 2000 (competition information), insert—SCHEDULE...
 - PART 3 FURTHER PROVISION ABOUT WRITE-DOWN ORDERS
- 3 After Schedule 19A to FSMA 2000 (the manager of a...
 - PART 4 WRITE-DOWN ORDERS: FINANCIAL SERVICES COMPENSATION SCHEME
- 4 Part 15 of FSMA 2000 (the Financial Services Compensation Scheme)...
- 5 After section 217 (insurers in financial difficulties) insert—Insurers subject...
- 6 In section 219 (scheme manager's power to require information), in...
- 7 After section 220 (scheme manager's power to inspect information held...
 - PART 5 CONSEQUENTIAL AMENDMENTS
- 8 FSMA 2000
- 9 (1) Section 348 (restrictions on disclosure of confidential information by...
- 10 In section 429 (Parliamentary control of statutory instruments), in subsection...
- In Schedule 1ZB (the PRA), in paragraph 33(2) (exemption from...
- Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001
- SCHEDULE 13 Insurers in financial difficulties: enforcement of contracts PART 1 NEW SCHEDULE 19C TO FSMA 2000
 - (1) Part 24 of FSMA 2000 (insolvency) is amended as...
 - PART 2 CONSEQUENTIAL AMENDMENTS
- 2 In section 429 of FSMA 2000 (Parliamentary control of statutory...

SCHEDULE 14 — Credit unions

- 1 Introductory
- 2 Specified financial activities
- After section 1 insert— Specified financial activities (1) The financial activities specified for the purposes of the...
- 4 In section 2 (supplementary and transitional provisions as to registration),...
- 5 Shares
- 6 Ancillary services
- 7 Loans
- 8 Conditional sale and hire purchase agreements
- 9 Insurance distribution activities
- 10 Minor and consequential amendments
- 11 In section 23A (power to make provision corresponding to provision...
- 12 In section 29 (orders and regulations), in subsection (2) for...
- 13 (1) Section 31 (interpretation, etc.) is amended as follows.
- 14 In Schedule 1 (matters to be provided for in rules...
- 15 Transitional provision
- 16 The amendment made by paragraph 13(4)(b) does not apply in...

Status:

Point in time view as at 06/11/2023.

Changes to legislation:

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