
STATUTORY INSTRUMENTS

2001 No. 544

The Financial Services and Markets Act
2000 (Regulated Activities) Order 2001

PART II

SPECIFIED ACTIVITIES

[^{F1}CHAPTER 15E

SPECIFIED BENCHMARKS

[^{F1}The activities

Textual Amendments

F1 Pt. 2 Ch. 15E inserted (2.4.2013) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2013 \(S.I. 2013/655\)](#), arts. 1, 5

Specified benchmarks

630.—(1) The following are specified kinds of activity—

- (a) providing information in relation to a specified benchmark;
- (b) administering a specified benchmark.

(2) In this Chapter—

- (a) “providing information” in relation to a specified benchmark means providing any information or expression of opinion that is—
 - (i) provided to, or for the purpose of passing to, a person who has permission to carry on the activity specified in paragraph (1)(b) in relation to that specified benchmark;
 - (ii) required in connection with the determination of the specified benchmark; and
 - (iii) provided for the purpose of determining the specified benchmark;
- (b) “administering” a specified benchmark means—
 - (i) administering the arrangements for determining a specified benchmark;
 - (ii) collecting, analysing or processing information or expressions of opinion provided for the purpose of determining a specified benchmark;
 - (iii) determining a specified benchmark through the application of a formula or other method of calculation to the information or expressions of opinion provided for that purpose.

Status: Point in time view as at 29/06/2018.

Changes to legislation: The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001, Cross Heading: The activities is up to date with all changes known to be in force on or before 15 April 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)

Publicly available factual data and subscription services

63P. A person does not carry on an activity of the kind specified by article 63O(1)(a) in relation to a specified benchmark where the information provided—

- (a) consists solely of factual data obtained from a publicly available source; or
- (b) is—
 - (i) compiled by a subscription service for purposes other than in connection with the determination of a specified benchmark;
 - (ii) provided to a person who has permission to carry on an activity of the kind specified by article 63O(1)(b) and who is a subscriber to the service; and
 - (iii) provided to such a person only in that person’s capacity as a subscriber.

Administration of a specified benchmark by the FCA

63Q.—(1) The FCA does not carry on the activity of the kind specified by article 63O(1)(b) in relation to a specified benchmark where the FCA administers the specified benchmark itself.

(2) Where a specified benchmark is administered by the FCA, the reference in article 63O(2)(a) (i) to a person who has permission to carry on the activity specified in 63O(1)(b) in relation to that specified benchmark is to be read as referring to the FCA.

Schedule

63R. Schedule 5 specifies benchmarks for the purposes of section 22(1A)(b) of the Act.]

[^{F2}Administering a benchmark

63S.—(1) Administering a benchmark is a specified kind of activity.

(2) In paragraph (1) “administering a benchmark” means acting as an administrator of a benchmark within the meaning of Article 3 of Regulation EU 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 .

Textual Amendments

F2 Arts. 63S, 63T inserted (27.2.2018) by [The Financial Services and Markets Act 2000 \(Benchmarks\) Regulations 2018 \(S.I. 2018/135\)](#), regs. 1(2), **51** (with Pt. 7)

Administration of a benchmark by the FCA

63T. The FCA does not carry on the activity of the kind specified by article 63S(1) in relation to a benchmark where the FCA administers the benchmark itself.]

Textual Amendments

F2 Arts. 63S, 63T inserted (27.2.2018) by [The Financial Services and Markets Act 2000 \(Benchmarks\) Regulations 2018 \(S.I. 2018/135\)](#), regs. 1(2), **51** (with Pt. 7)

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