

*Status: Point in time view as at 22/04/2021.*

*Changes to legislation: The Financial Services and Markets Act 2000 (Qualifying Provisions) Order 2013 is up to date with all changes known to be in force on or before 19 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)*

## STATUTORY INSTRUMENTS

### 2013 No. 419

## FINANCIAL SERVICES AND MARKETS

### The Financial Services and Markets Act 2000 [<sup>F1</sup>(Qualifying Provisions)] Order 2013

*Made* - - - - 26th February 2013  
*Laid before Parliament* 27th February 2013  
*Coming into force* - - 1st April 2013

The Treasury, in the exercise of the powers conferred on them by the following sections of the Financial Services and Markets Act 2000 <sup>M1</sup>: 1A(6)(d); 1L(2)(b); 2A(6)(d); 39(4)(b); 66(2)(b), (2A)(b); 168(4)(k); 204A(2), (4); 293A; 296(1A), 297(2A)(c); 312E(2), (3); 380(6)(a), (9); 382(9)(a), (12); 384(7)(a), (10); and paragraph 23(2) of Schedule 1ZA, paragraph 31(2) of Schedule 1ZB and paragraphs 14(2)(d), 26(2)(c), 30(c) and 36(2)(b) of Schedule 17A to that Act <sup>M2</sup> make this Order.

#### Textual Amendments

**F1** Words in [Title](#) substituted (31.12.2020) by [The Financial Services and Markets Act 2000 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/632\)](#), regs. 1(3), **187(2)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Marginal Citations

**M1** 2000 c. 8. Sections 1A to 3S were inserted by section 6 of the [Financial Services Act 2012 \(c.21\)](#); section 39(4) was substituted by Schedule 18 to that Act; section 66(2) and (2A) were substituted by Schedule 5 to that Act; section 168 was amended by Schedule 12 to that Act; sections 204A, 380, 382 and 384 were amended by Schedule 9 to that Act; section 293A was inserted by Schedule 8 to that Act; sections 296 and 297 were amended by Schedule 8 to that Act; section 312E was inserted by section 33 of that Act. There are other amendments to these provisions which are not relevant to this Order.

**M2** Schedules 1ZA and 1ZB were inserted by Schedule 3 to the [Financial Services Act 2012](#). Schedule 17A was inserted by Schedule 7 to that Act.

#### Citation, commencement and interpretation

1.—(1) This Order may be cited as the Financial Services and Markets Act 2000 [<sup>F2</sup>(Qualifying Provisions)] Order 2013 and comes into force on 1st April 2013.

(2) For the purposes of this Order—

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“the Act” means the Financial Services and Markets Act 2000;

[<sup>F3</sup>“ELTIF Regulation” means Regulation (EU) No 2015/760 of the European Parliament and of the Council of 29th April 2015 on European Long-term Investment Funds;]

[<sup>F4</sup>“the EU Benchmarks Regulation 2016” means 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;]

[<sup>F5</sup>“the EU Prospectus Regulation” means Regulation (EU) No 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive [2003/71/EC](#);]

[<sup>F6</sup>“EU Securitisation Regulation 2017” means Regulation (EU) 2017/2402 of the European Parliament and of the Council of 12 December 2017 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation, and amending Directives [2009/65/EC](#), [2009/138/EC](#) and [2011/61/EU](#) and Regulations (EC) No [1060/2009](#) and (EU) No [648/2012](#);]

“the European market infrastructure regulation” means Regulation (EU) 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories <sup>M3</sup>[<sup>F7</sup>;

“EuSEF Regulation” means Regulation (EU) No 346/2013 of the European Parliament and the Council of 17 April 2013 on European social entrepreneurship funds [<sup>F8</sup>as amended by Regulation (EU) No 2017/1991 of the European Parliament and of the Council of 25 October 2017 amending Regulation (EU) No 345/2013 on European venture capital funds and Regulation (EU) No 346/2013 on European social entrepreneurship funds];

“EuVECA Regulation” means Regulation (EU) No 345/2013 of the European Parliament and the Council of 17 April 2013 on European venture capital funds [<sup>F9</sup>as amended by Regulation (EU) No 2017/1991 of the European Parliament and of the Council of 25 October 2017 amending Regulation (EU) No 345/2013 on European venture capital funds and Regulation (EU) No 346/2013 on European social entrepreneurship funds];

[<sup>F10</sup>“MMF Regulation” means Regulation (EU) No 2017/1131 of the European Parliament and of the Council of 14th June 2017 on Money Market Funds;]

[<sup>F11</sup>“PRIIPs regulation” means Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products;]

[<sup>F12</sup>“recovery and resolution directive” means Directive 2014/59/EU of the European Parliament and of the Council of 15th May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms];

[<sup>F13</sup>“UK auctioning regulations” means the Greenhouse Gas Emissions Trading Scheme Auctioning Regulations 2021;]

[<sup>F14</sup>(3) Any reference in this Order to an EU Regulation, or part of an EU Regulation, is to be read as a reference to that EU Regulation, or that part of that EU Regulation, as amended from time to time.]

[<sup>F15</sup>(4) In this Order a reference to any directly applicable regulation made under an EU directive (“the parent EU Directive”) is a reference to—

- (a) any EU regulation, originally made under the parent EU Directive, which is retained direct EU legislation,

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- (b) any technical standards made in relation to the parent EU Directive in accordance with Chapter 2A of Part 9A of the Act, and
  - (c) any subordinate legislation (within the meaning of the Interpretation Act 1978) which is made under a power substituted for a power of an EU entity to make a directly applicable regulation under the parent EU Directive by regulations made under section 8 of the European Union (Withdrawal) Act 2018.
- (5) In this Order a reference to any directly applicable regulation (or EU regulation) made under an EU regulation (“the parent Regulation”) is a reference to—
- (a) any EU regulation, originally made under the parent Regulation, which is retained direct EU legislation;
  - (b) technical standards made in relation to the parent Regulation in accordance with Chapter 2A of Part 9A of the Act, and
  - (c) any subordinate legislation (within the meaning of the Interpretation Act 1978) which is made under a power substituted for a power of an EU entity to make a directly applicable regulation under the parent Regulation by regulations made under section 8 of the European Union (Withdrawal) Act 2018.
- (6) In this Order a reference to any directly applicable regulation made under Article 4(9) or 4(10) of the SFT Regulation is a reference to—
- (a) any EU regulation, originally made under those Articles, which is retained direct EU legislation;
  - (b) technical standards made in relation to those Articles in accordance with Chapter 2A of Part 9A of the Act, and
  - (c) any subordinate legislation (within the meaning of the Interpretation Act 1978) which is made under a power substituted for a power of an EU entity to make a directly applicable regulation under those Articles by regulations made under section 8 of the European Union (Withdrawal) Act 2018.
- (7) In articles 2(2)(m), 3(2)(p) and (3)(n), 5(2)(p) and (5)(o) and 6(2)(r) the reference to any directly applicable decision made under an EU regulation is a reference to—
- (a) a decision made under that regulation which is retained direct EU legislation, and
  - (b) any subordinate legislation (within the meaning of the Interpretation Act 1978) which is made under a power substituted for a power of an EU entity to make a directly applicable decision under that regulation by regulations made under section 8 of the European Union (Withdrawal) Act 2018.]

#### Textual Amendments

- F2** Words in art. 1(1) substituted (31.12.2020) by [The Financial Services and Markets Act 2000 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/632\)](#), regs. 1(3), **187(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in art. 1(2) inserted (3.12.2015) by [The European Long-term Investment Funds Regulations 2015 \(S.I. 2015/1882\)](#), regs. 1, **8(2)**
- F4** Words in art. 1(2) inserted (27.2.2018) by [The Financial Services and Markets Act 2000 \(Benchmarks\) Regulations 2018 \(S.I. 2018/135\)](#), regs. 1(2), **58(2)**
- F5** Words in art. 1(2) inserted (21.7.2019) by [The Financial Services and Markets Act 2000 \(Prospectus\) Regulations 2019 \(S.I. 2019/1043\)](#), regs. 1(1), **39(2)** (with reg. 40)
- F6** Words in art. 1(2) inserted (1.1.2019) by [The Securitisation Regulations 2018 \(S.I. 2018/1288\)](#), reg. 1, **Sch. 2 para. 4(2)**
- F7** Words in art. 1(2) inserted (22.7.2013) by virtue of [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), reg. 1, **Sch. 2 para. 22(2)**

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- F8** Words in art. 1(2) inserted (1.3.2018) by [The Alternative Investment Fund Managers \(Amendment\) Regulations 2018 \(S.I. 2018/134\)](#), regs. 1(2), **3(a)**
- F9** Words in art. 1(2) inserted (1.3.2018) by [The Alternative Investment Fund Managers \(Amendment\) Regulations 2018 \(S.I. 2018/134\)](#), regs. 1(2), **3(b)**
- F10** Words in art. 1(2) inserted (28.6.2018 for specified purposes, 21.7.2018 in so far as not already in force) by [The Money Market Funds Regulations 2018 \(S.I. 2018/698\)](#), regs. 1(2), **5(2)**
- F11** Words in art. 1(2) inserted (1.1.2018) by [The Packaged Retail and Insurance-based Investment Products Regulations 2017 \(S.I. 2017/1127\)](#), reg. 1, **Sch. 2 para. 7(2)**
- F12** Words in art. 1 inserted (10.1.2015) by [The Bank Recovery and Resolution \(No. 2\) Order 2014 \(S.I. 2014/3348\)](#), art. 1(2), **Sch. 3 para. 12(2)**
- F13** Words in art. 1(2) inserted (22.4.2021) by [The Recognised Auction Platforms \(Amendment and Miscellaneous Provisions\) Regulations 2021 \(S.I. 2021/494\)](#), regs. 1(2), **7(2)**
- F14** Art. 1(3) substituted for art. 1(3)(3A) (30.6.2020) by [The Financial Services \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/628\)](#), regs. 1(2), **2**
- F15** Art. 1(4)-(7) inserted (31.12.2020) by [The Financial Services and Markets Act 2000 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/632\)](#), regs. 1(3), **187(3)**; 2020 c. 1, **Sch. 5 para. 1(1)**

#### Marginal Citations

- M3** OJ no L 201, 27.7.2012, p1.

#### [<sup>F16</sup>Qualifying provisions]: general

2.—(1) The instruments listed in paragraph (2) are specified [<sup>F17</sup>qualifying provisions] for the purposes of sections 1A(6)(d), 1L(2)(b), 39(4)(b), [<sup>F18</sup>66A(4)(b)] and 168(4)(k) of the Act.

(2) The instruments are—

- (a) any directly applicable regulation made under the markets in financial instruments directive;
- [<sup>F19</sup>(aa) the markets in financial instruments regulation and any directly applicable EU regulation made under that regulation;]
- (b) any directly applicable regulation made under the UCITS directive;
- [<sup>F20</sup>(ba) any directly applicable regulation made under the alternative investment fund managers directive;]
- (c) the emission allowance auctioning regulation;
- [<sup>F21</sup>(ca) the UK auctioning regulations;]
- (d) the European market infrastructure regulation;
- (e) any directly applicable regulation made under the European market infrastructure regulation;
- [<sup>F22</sup>(f) the EuSEF Regulation and any directly applicable regulation made under that Regulation;
- (g) the EuVECA Regulation and any directly applicable regulation made under that Regulation];
- [<sup>F23</sup>(h) the CSD regulation and any directly applicable regulation made under that Regulation];
- [<sup>F24</sup>(i) the ELTIF Regulation and any directly applicable regulation made under that Regulation];
- [<sup>F25</sup>(j) the market abuse regulation and any directly applicable regulation made under that Regulation];
- [<sup>F26</sup>(k) the PRIIPs regulation and any directly applicable regulation made under that Regulation];
- [<sup>F27</sup>(l) any directly applicable regulation made under the insurance distribution directive];

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- [<sup>F28</sup>(m) the MMF Regulation and any directly applicable regulation or decision made under that Regulation];
  - [<sup>F29</sup>(n) the EU Securitisation Regulation 2017 and any directly applicable regulation made under that Regulation.]
- (3) The instruments listed in paragraph (4) are also specified [<sup>F30</sup>qualifying provisions] for the purposes of sections 1A(6)(d), 1L(2)(b) and 168(4)(k) of the Act.
- (4) The instruments are—
- (a) the short selling regulation;
  - (b) any directly applicable regulation made under the short selling regulation;
  - [<sup>F31</sup>(c) any directly applicable regulation made under the recovery and resolution directive.]
- [<sup>F32</sup>(4A) The SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation are specified [<sup>F33</sup>qualifying provisions] for the purposes of sections 1A(6)(d), 1L(2)(b) and 168(4)(k) of the Act.]
- (5) The instruments listed in paragraph (6) are specified [<sup>F34</sup>qualifying provisions] for the purposes of sections [<sup>F35</sup>2AB(3)(d)] and [<sup>F36</sup>66B(4)(b)] of the Act.
- (6) The instruments are—
- (a) any directly applicable regulation made under the markets in financial instruments directive;
  - [<sup>F37</sup>(aa) the markets in financial instruments regulation and any directly applicable EU regulation made under that regulation;]
  - (b) the European market infrastructure regulation;
  - (c) any directly applicable regulation made under the European market infrastructure regulation;
  - [<sup>F38</sup>(d) the CSD regulation and any directly applicable regulation made under that Regulation];
  - [<sup>F39</sup>(e) any directly applicable regulation made under the recovery and resolution directive];
  - [<sup>F40</sup>(f) the EU Securitisation Regulation 2017 and any directly applicable regulation made under that Regulation.]
- (7) The instruments listed in paragraph (8) are specified [<sup>F41</sup>qualifying provisions] for the purposes of section 293A of the Act.
- (8) The instruments are—
- (a) any directly applicable regulation made under the markets in financial instruments directive;
  - [<sup>F42</sup>(aa) the markets in financial instruments regulation and any directly applicable EU regulation made under that regulation;]
  - (b) the emission allowance auctioning regulation;
  - [<sup>F43</sup>(ba) the UK auctioning regulations;]
  - (c) the European market infrastructure regulation;
  - (d) any directly applicable regulation made under the European market infrastructure regulation;
  - [<sup>F44</sup>(e) the CSD regulation and any directly applicable regulation made under that Regulation];
  - [<sup>F45</sup>(f) the market abuse regulation and any directly applicable regulation made under that Regulation];

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[<sup>F46</sup>(g) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation.]

[<sup>F47</sup>(9) Directly applicable regulations made under the recovery and resolution directive are specified [<sup>F48</sup>qualifying provisions] for the purpose of sections [<sup>F49</sup>66B(4)(b)] and 192K(1)(c) of the Act.]

[<sup>F50</sup>(10) The market abuse regulation and any directly applicable regulation made under that Regulation are specified [<sup>F48</sup>qualifying provisions] for the purposes of section [<sup>F51</sup>66A(4)(b)] of the Act.]

[<sup>F52</sup>(11) Directly applicable regulations made under the Solvency 2 Directive are specified [<sup>F48</sup>qualifying provisions] for the purposes of sections 2A(6)(d), 39(4)(b), 66B(4)(b) and 168(4)(k) of the Act.]

[<sup>F53</sup>(12) The EU Benchmarks Regulation 2016 is a specified [<sup>F54</sup>qualifying provision] for the purpose of section 1A(6)(d) of the Act.

(13) The EU Benchmarks Regulation 2016 and any directly applicable regulation made under the EU Benchmarks Regulation 2016 is a specified [<sup>F55</sup>qualifying provision] for the purposes of sections 1L(2)(b), 39(4)(b), 66A(4)(b), 168(4)(k), 192K(1)(c) and 293A of the Act.]

[<sup>F56</sup>(14) The EU Prospectus Regulation and any directly applicable measure made under that Regulation is a specified qualifying EU provision for the purpose of section 1A(6)(d) of the Act.]

#### Textual Amendments

- F16** Words in art. 2 heading substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in art. 2(1) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Word in art. 2(1) substituted (21.11.2016) by The Financial Services (Banking Reform) Act 2013 (Consequential Amendments) (No. 2) Order 2016 (S.I. 2016/1023), arts. 1, **2(a)**
- F19** Art. 2(2)(aa) inserted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 (S.I. 2017/701), reg. 1(2)(3)(4)(6), **Sch. 3 para. 6(2)(a)** (with reg. 7)
- F20** Art. 2(2)(ba) inserted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 2 para. 22(3)(a)**
- F21** Art. 2(2)(ca) inserted (22.4.2021) by The Recognised Auction Platforms (Amendment and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/494), regs. 1(2), **7(3)(a)**
- F22** Art. 2(2)(f)(g) inserted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 2 para. 22(3)(b)**
- F23** Art. 2(2)(h) inserted (21.11.2014) by The Central Securities Depositories Regulations 2014 (S.I. 2014/2879), regs. 1(1), **9(2)(a)**
- F24** Art. 2(2)(i) inserted (3.12.2015) by The European Long-term Investment Funds Regulations 2015 (S.I. 2015/1882), regs. 1, **8(3)**
- F25** Art. 2(2)(j) inserted (3.7.2016) by The Financial Services and Markets Act 2000 (Market Abuse) Regulations 2016 (S.I. 2016/680), regs. 1, **22(2)(a)**
- F26** Art. 2(2)(k) inserted (1.1.2018) by The Packaged Retail and Insurance-based Investment Products Regulations 2017 (S.I. 2017/1127), reg. 1, **Sch. 2 para. 7(3)**
- F27** Art. 2(2)(l) inserted (1.10.2018) by The Insurance Distribution (Regulated Activities and Miscellaneous Amendments) Order 2018 (S.I. 2018/546), arts. 1(2), **24(2)**



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- F28** Art. 2(2)(m) inserted (28.6.2018 for specified purposes, 21.7.2018 in so far as not already in force) by The Money Market Funds Regulations 2018 (S.I. 2018/698), regs. 1(2), **5(3)**
- F29** Art. 2(2)(n) inserted (1.1.2019) by The Securitisation Regulations 2018 (S.I. 2018/1288), reg. 1, **Sch. 2 para. 4(3)**
- F30** Words in art. 2(3) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** Art. 2(4)(c) inserted (10.1.2015) by The Bank Recovery and Resolution (No. 2) Order 2014 (S.I. 2014/3348), art. 1(2), **Sch. 3 para. 12(3)(a)**
- F32** Art. 2(4A) inserted (13.7.2016) by The Financial Services and Markets Act 2000 (Transparency of Securities Financing Transactions and of Reuse) Regulations 2016 (S.I. 2016/715), reg. 1(2), **Sch. 2 para. 4(2)(a)**
- F33** Words in art. 2(4A) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F34** Words in art. 2(5) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Word in art. 2(5) substituted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 (S.I. 2017/701), reg. 1(2)(3)(4)(6), **Sch. 3 para. 6(2)(b)** (with reg. 7)
- F36** Word in art. 2(5) substituted (21.11.2016) by The Financial Services (Banking Reform) Act 2013 (Consequential Amendments) (No. 2) Order 2016 (S.I. 2016/1023), arts. 1, **2(b)**
- F37** Art. 2(6)(aa) inserted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 (S.I. 2017/701), reg. 1(2)(3)(4)(6), **Sch. 3 para. 6(2)(c)** (with reg. 7)
- F38** Art. 2(6)(d) inserted (21.11.2014) by The Central Securities Depositories Regulations 2014 (S.I. 2014/2879), regs. 1(1), **9(2)(b)**
- F39** Art. 2(6)(e) inserted (10.1.2015) by The Bank Recovery and Resolution (No. 2) Order 2014 (S.I. 2014/3348), art. 1(2), **Sch. 3 para. 12(3)(b)**
- F40** Art. 2(6)(f) inserted (1.1.2019) by The Securitisation Regulations 2018 (S.I. 2018/1288), reg. 1, **Sch. 2 para. 4(4)**
- F41** Words in art. 2(7) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F42** Art. 2(8)(aa) inserted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 (S.I. 2017/701), reg. 1(2)(3)(4)(6), **Sch. 3 para. 6(2)(d)** (with reg. 7)
- F43** Art. 2(8)(ba) inserted (22.4.2021) by The Recognised Auction Platforms (Amendment and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/494), regs. 1(2), **7(3)(b)**
- F44** Art. 2(8)(e) inserted (21.11.2014) by The Central Securities Depositories Regulations 2014 (S.I. 2014/2879), regs. 1(1), **9(2)(c)**
- F45** Art. 2(8)(f) inserted (3.7.2016) by The Financial Services and Markets Act 2000 (Market Abuse) Regulations 2016 (S.I. 2016/680), regs. 1, **22(2)(b)**
- F46** Art. 2(8)(g) inserted (13.7.2016) by The Financial Services and Markets Act 2000 (Transparency of Securities Financing Transactions and of Reuse) Regulations 2016 (S.I. 2016/715), reg. 1(2), **Sch. 2 para. 4(2)(b)**
- F47** Art. 2(9) inserted (10.1.2015) by The Bank Recovery and Resolution (No. 2) Order 2014 (S.I. 2014/3348), art. 1(2), **Sch. 3 para. 12(3)(c)**

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- F48** Words in art. 2(9)-(11) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F49** Word in art. 2(9) substituted (21.11.2016) by The Financial Services (Banking Reform) Act 2013 (Consequential Amendments) (No. 2) Order 2016 (S.I. 2016/1023), arts. 1, **2(c)**
- F50** Art. 2(10) inserted (3.7.2016) by The Financial Services and Markets Act 2000 (Market Abuse) Regulations 2016 (S.I. 2016/680), regs. 1, **22(2)(c)**
- F51** Word in art. 2(10) substituted (21.11.2016) by The Financial Services (Banking Reform) Act 2013 (Consequential Amendments) (No. 2) Order 2016 (S.I. 2016/1023), arts. 1, **2(d)**
- F52** Art. 2(11) inserted (12.10.2016) by The Financial Services and Markets Act 2000 (Qualifying EU Provisions) (Amendment) Order 2016 (S.I. 2016/936), arts. 1(2), **2(2)**
- F53** Art. 2(12)(13) inserted (27.2.2018) by The Financial Services and Markets Act 2000 (Benchmarks) Regulations 2018 (S.I. 2018/135), regs. 1(2), **58(3)**
- F54** Words in art. 2(12) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F55** Words in art. 2(13) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F56** Art. 2(14) inserted (21.7.2019) by The Financial Services and Markets Act 2000 (Prospectus) Regulations 2019 (S.I. 2019/1043), regs. 1(1), **39(3)** (with reg. 40)

### **[<sup>F57</sup>Qualifying provisions]: disciplinary measures**

**3.—(1)** The instruments listed in paragraph (2) are specified [<sup>F58</sup>qualifying provisions] for the purposes of section 204A(2) of the Act.

(2) The instruments are—

- (a) any directly applicable regulation made under the markets in financial instruments directive;
- [<sup>F59</sup>(aa) the markets in financial instruments regulation and any directly applicable EU regulation made under that regulation;]
- (b) any directly applicable regulation made under the UCITS directive;
- [<sup>F60</sup>(ba) any directly applicable regulation made under the alternative investment fund managers directive;]
- (c) the emission allowance auctioning regulation;
- [<sup>F61</sup>(ca) the UK auctioning regulations;]
- (d) the European market infrastructure regulation;
- (e) any directly applicable regulation made under the European market infrastructure regulation;
- [<sup>F62</sup>(f) the EuSEF Regulation and any directly applicable regulation made under that Regulation;
- (g) the EuVECA Regulation and any directly applicable regulation made under that Regulation;]
- [<sup>F63</sup>(h) the CSD regulation and any directly applicable regulation made under that Regulation];
- [<sup>F64</sup>(i) any directly applicable regulation made under the recovery and resolution directive];
- [<sup>F65</sup>(j) the ELTIF Regulation and any directly applicable regulation made under that Regulation];



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- [<sup>F66</sup>(k) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation];
- [<sup>F67</sup>(l) any directly applicable regulation made under the Solvency 2 Directive];
- [<sup>F68</sup>(m) the PRIIPs regulation and any directly applicable regulation made under that Regulation];
- [<sup>F69</sup>(n) the EU Benchmarks Regulation 2016 and any directly applicable regulation made under the EU Benchmarks Regulation 2016];
- [<sup>F70</sup>(o) any directly applicable regulation made under the insurance distribution directive];
- [<sup>F71</sup>(p) the MMF Regulation and any directly applicable regulation or decision made under that Regulation];
- [<sup>F72</sup>(q) the EU Securitisation Regulation 2017 and any directly applicable regulation made under that Regulation.]

(3) The appropriate regulator for the purposes of each provision in Part 14 of the Act in relation to the [<sup>F73</sup>qualifying provisions] specified by paragraph (1) is—

- (a) in relation to a contravention of a requirement imposed by a directly applicable regulation made under the markets in financial instruments directive [<sup>F74</sup>or the markets in financial instruments regulation]—
  - (i) if the authorised person concerned is a PRA-authorised person, either the PRA or the FCA;
  - (ii) in any other case, the FCA;
- (b) in relation to a contravention of a requirement imposed by the emission allowance auctioning regulation [<sup>F75</sup>, the UK auctioning regulations] or any directly applicable regulation made under the UCITS directive [<sup>F76</sup>or the alternative investment fund managers directive], the FCA;
- (c) in relation to a contravention of a requirement imposed by the European market infrastructure regulation—
  - (i) if the authorised person concerned is a PRA-authorised person, either the PRA or the FCA;
  - (ii) in any other case, the FCA;
- (d) in relation to a contravention of a requirement imposed by any directly applicable regulation made under the European market infrastructure regulation, the FCA;
- [<sup>F77</sup>(e) in relation to a contravention of a requirement imposed by the EuSEF Regulation, the EuVECA Regulation or any directly applicable regulation made under either the EuSEF Regulation or the EuVECA Regulation, the FCA];
- [<sup>F78</sup>(f) in relation to a contravention of a requirement imposed by the CSD regulation or any directly applicable regulation made under the CSD regulation—
  - (i) if the authorised person concerned is a PRA-authorised person, either the PRA or the FCA;
  - (ii) in any other case, the FCA];
- [<sup>F79</sup>(g) in relation to a contravention of a requirement imposed by any directly applicable regulation made under the recovery and resolution directive—
  - (i) if the authorised person concerned is a PRA-authorised person, either the PRA or the FCA;
  - (ii) in any other case, the FCA];

**Status:** Point in time view as at 22/04/2021.

**Changes to legislation:** The Financial Services and Markets Act 2000 (Qualifying Provisions) Order 2013 is up to date with all changes known to be in force on or before 19 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)

- [<sup>F80</sup>(h) in relation to a contravention of a requirement imposed by the ELTIF Regulation or any directly applicable regulation made under that Regulation, the FCA];
- [<sup>F81</sup>(i) in relation to a contravention of a requirement imposed by the SFT regulation or any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation, the FCA];
- [<sup>F82</sup>(j) in relation to a contravention of a requirement imposed by a directly applicable regulation made under the Solvency 2 Directive, the PRA];
- [<sup>F83</sup>(k) in relation to a contravention of a requirement imposed by the PRIIPs regulation or any directly applicable regulation made under that Regulation, the FCA];
- [<sup>F84</sup>(l) in relation to a contravention of a requirement imposed by the EU Benchmarks Regulation 2016 or of any directly applicable regulation made under that Regulation, the FCA];
- [<sup>F85</sup>(m) in relation to a contravention of a requirement imposed by any directly applicable regulation made under the insurance distribution directive, the FCA];
- [<sup>F86</sup>(n) in relation to a contravention of a requirement imposed by the MMF Regulation or any directly applicable regulation or decision made under that Regulation, the FCA];
- [<sup>F87</sup>(o) in relation to a contravention of a requirement imposed for the purposes of the EU Securitisation Regulation 2017 or any directly applicable regulation made under that Regulation—
  - (i) the FCA if it is the competent authority for the purposes of that Regulation for the person concerned; or
  - (ii) the PRA if it is the competent authority for the purposes of that Regulation for the person concerned.]

### Textual Amendments

- F57** Words in [art. 3 heading](#) substituted (31.12.2020) by [The Financial Services and Markets Act 2000 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/632\)](#), regs. 1(3), **187(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F58** Words in [art. 3\(1\)](#) substituted (31.12.2020) by [The Financial Services and Markets Act 2000 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/632\)](#), regs. 1(3), **187(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F59** [Art. 3\(2\)\(aa\)](#) inserted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2017 \(S.I. 2017/701\)](#), reg. 1(2)(3)(4)(6), **Sch. 3 para. 6(3)(a)** (with reg. 7)
- F60** [Art. 3\(2\)\(ba\)](#) inserted (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), reg. 1, **Sch. 2 para. 22(4)(a)(i)**
- F61** [Art. 3\(2\)\(ca\)](#) inserted (22.4.2021) by [The Recognised Auction Platforms \(Amendment and Miscellaneous Provisions\) Regulations 2021 \(S.I. 2021/494\)](#), regs. 1(2), **7(4)(a)**
- F62** [Art. 3\(2\)\(f\)\(g\)](#) inserted (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), reg. 1, **Sch. 2 para. 22(4)(a)(ii)**
- F63** [Art. 3\(2\)\(h\)](#) inserted (21.11.2014) by [The Central Securities Depositories Regulations 2014 \(S.I. 2014/2879\)](#), regs. 1(1), **9(3)(a)**
- F64** [Art. 3\(2\)\(i\)](#) inserted (10.1.2015) by [The Bank Recovery and Resolution \(No. 2\) Order 2014 \(S.I. 2014/3348\)](#), art. 1(2), **Sch. 3 para. 12(4)(a)**
- F65** [Art. 3\(2\)\(j\)](#) inserted (3.12.2015) by [The European Long-term Investment Funds Regulations 2015 \(S.I. 2015/1882\)](#), regs. 1, **8(4)(a)**
- F66** [Art. 3\(2\)\(k\)](#) inserted (13.7.2016) by [The Financial Services and Markets Act 2000 \(Transparency of Securities Financing Transactions and of Reuse\) Regulations 2016 \(S.I. 2016/715\)](#), reg. 1(2), **Sch. 2 para. 4(3)(a)**

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- F67** Art. 3(2)(l) inserted (12.10.2016) by The Financial Services and Markets Act 2000 (Qualifying EU Provisions) (Amendment) Order 2016 (S.I. 2016/936), arts. 1(2), **2(3)(a)**
- F68** Art. 3(2)(m) inserted (1.1.2018) by The Packaged Retail and Insurance-based Investment Products Regulations 2017 (S.I. 2017/1127), reg. 1, **Sch. 2 para. 7(4)(a)**
- F69** Art. 3(2)(n) inserted (27.2.2018) by The Financial Services and Markets Act 2000 (Benchmarks) Regulations 2018 (S.I. 2018/135), regs. 1(2), **58(4)(b)**
- F70** Art. 3(2)(o) inserted (1.10.2018) by The Insurance Distribution (Regulated Activities and Miscellaneous Amendments) Order 2018 (S.I. 2018/546), arts. 1(2), **24(3)(a)**
- F71** Art. 3(2)(p) inserted (28.6.2018 for specified purposes, 21.7.2018 in so far as not already in force) by The Money Market Funds Regulations 2018 (S.I. 2018/698), regs. 1(2), **5(4)(a)**
- F72** Art. 3(2)(q) inserted (1.1.2019) by The Securitisation Regulations 2018 (S.I. 2018/1288), reg. 1, **Sch. 2 para. 4(5)(a)**
- F73** Words in art. 3(3) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F74** Words in art. 3(3)(a) inserted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 (S.I. 2017/701), reg. 1(2)(3)(4)(6), **Sch. 3 para. 6(3)(b)** (with reg. 7)
- F75** Words in art. 3(3)(b) inserted (22.4.2021) by The Recognised Auction Platforms (Amendment and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/494), regs. 1(2), **7(4)(b)**
- F76** Words in art. 3(3)(b) inserted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 2 para. 22(4)(b)(i)**
- F77** Art. 3(3)(e) inserted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 2 para. 22(4)(b)(ii)**
- F78** Art. 3(3)(f) inserted (21.11.2014) by The Central Securities Depositories Regulations 2014 (S.I. 2014/2879), regs. 1(1), **9(3)(b)**
- F79** Art. 3(3)(g) inserted (10.1.2015) by The Bank Recovery and Resolution (No. 2) Order 2014 (S.I. 2014/3348), art. 1(2), **Sch. 3 para. 12(4)(b)**
- F80** Art. 3(3)(h) inserted (3.12.2015) by The European Long-term Investment Funds Regulations 2015 (S.I. 2015/1882), regs. 1, **8(4)(b)**
- F81** Art. 3(3)(i) inserted (13.7.2016) by The Financial Services and Markets Act 2000 (Transparency of Securities Financing Transactions and of Reuse) Regulations 2016 (S.I. 2016/715), reg. 1(2), **Sch. 2 para. 4(3)(b)**
- F82** Art. 3(3)(j) inserted (12.10.2016) by The Financial Services and Markets Act 2000 (Qualifying EU Provisions) (Amendment) Order 2016 (S.I. 2016/936), arts. 1(2), **2(3)(b)**
- F83** Art. 3(3)(k) inserted (1.1.2018) by The Packaged Retail and Insurance-based Investment Products Regulations 2017 (S.I. 2017/1127), reg. 1, **Sch. 2 para. 7(4)(b)**
- F84** Art. 3(3)(l) inserted (27.2.2018) by The Financial Services and Markets Act 2000 (Benchmarks) Regulations 2018 (S.I. 2018/135), regs. 1(2), **58(4)(c)**
- F85** Art. 3(3)(m) inserted (1.10.2018) by The Insurance Distribution (Regulated Activities and Miscellaneous Amendments) Order 2018 (S.I. 2018/546), arts. 1(2), **24(3)(b)**
- F86** Art. 3(3)(n) inserted (28.6.2018 for specified purposes, 21.7.2018 in so far as not already in force) by The Money Market Funds Regulations 2018 (S.I. 2018/698), regs. 1(2), **5(4)(b)**
- F87** Art. 3(3)(o) inserted (1.1.2019) by The Securitisation Regulations 2018 (S.I. 2018/1288), reg. 1, **Sch. 2 para. 4(5)(b)**

[<sup>F88</sup>Qualifying provisions] etc.: recognised investment exchanges]<sup>F89</sup>, clearing houses and CSDs]

4.—(1) The instruments listed in paragraph (5) are specified directly applicable EU provisions for the purposes of section 296(1A) of the Act.

**Status:** Point in time view as at 22/04/2021.

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(2) The instruments listed in paragraph (3) are specified directly applicable EU provisions for the purposes of section 297(2A)(c) of the Act.

(3) The instruments are—

(a) any directly applicable regulation made under the markets in financial instruments directive;

[<sup>F90</sup>(aa) the markets in financial instruments regulation and any directly applicable EU regulation made under that regulation;]

(b) the emission allowance auctioning regulation;

[<sup>F91</sup>(ba) the UK auctioning regulations;]

(c) the European market infrastructure regulation;

(d) any directly applicable regulation made under the European market infrastructure regulation;

[<sup>F92</sup>(e) the CSD regulation and any directly applicable regulation made under that Regulation];

[<sup>F93</sup>(f) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation.]

(4) The instruments listed in paragraph (5) are specified [<sup>F94</sup>qualifying provisions] for the purposes of section 312E(2)(c) of the Act.

(5) The instruments are—

(a) any directly applicable regulation made under the markets in financial instruments directive;

[<sup>F95</sup>(aa) the markets in financial instruments regulation and any directly applicable EU regulation made under that regulation;]

(b) the emission allowance auctioning regulation;

[<sup>F96</sup>(ba) the UK auctioning regulations;]

(c) the European market infrastructure regulation;

(d) any directly applicable regulation made under the European market infrastructure regulation;

[<sup>F97</sup>(e) the CSD regulation and any directly applicable regulation made under that Regulation];

[<sup>F98</sup>(f) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation.]

(6) The instruments listed in paragraph (7) are specified [<sup>F99</sup>qualifying provisions] for the purposes of section 312E(3)(c) of the Act.

(7) The instruments are—

(a) any directly applicable regulation made under the markets in financial instruments directive;

[<sup>F100</sup>(aa) the markets in financial instruments regulation and any directly applicable EU regulation made under that regulation;]

(b) the European market infrastructure regulation;

(c) any directly applicable regulation made under the European market infrastructure regulation;

[<sup>F101</sup>(d) the CSD regulation and any directly applicable regulation made under that Regulation];

[<sup>F102</sup>(e) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation.]

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(8) The instruments listed in paragraph (9) are specified [<sup>F103</sup>qualifying provisions] for the purposes of paragraphs 14(2)(d) and 30(c) of Schedule 17A to the Act.

(9) The instruments are—

- (a) the European market infrastructure regulation;
- (b) any directly applicable regulation made under the European market infrastructure regulation;

[<sup>F104</sup>(c) the CSD regulation and any directly applicable regulation made under that Regulation.]

[<sup>F105</sup>(10) The market abuse regulation and any directly applicable regulation made under that Regulation are specified [<sup>F106</sup>qualifying provisions] for the purposes of sections 296(1A) and 297(2A)(c) of the Act.]

[<sup>F107</sup>(11) The SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation are specified [<sup>F106</sup>qualifying provisions] for the purposes of paragraph 14(2)(d) of Schedule 17A to the Act.]

[<sup>F108</sup>(12) The EU Benchmarks Regulation 2016 or any directly applicable regulation made under that Regulation are specified [<sup>F106</sup>qualifying provisions] for the purposes of sections 296(1A), 297(2A)(c) and 312E(2)(c).]

#### Textual Amendments

- F88** Words in art. 4 heading substituted (31.12.2020) by [The Financial Services and Markets Act 2000 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/632\)](#), regs. 1(3), **187(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F89** Words in art. 4 heading substituted (28.11.2017) by [The Central Securities Depositories Regulations 2017 \(S.I. 2017/1064\)](#), reg. 1, **Sch. para. 40** (with regs. 7(4), 9(1))
- F90** Art. 4(3)(aa) inserted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2017 \(S.I. 2017/701\)](#), reg. 1(2)(3)(4)(6), **Sch. 3 para. 6(4)(a)** (with reg. 7)
- F91** Art. 4(3)(ba) inserted (22.4.2021) by [The Recognised Auction Platforms \(Amendment and Miscellaneous Provisions\) Regulations 2021 \(S.I. 2021/494\)](#), regs. 1(2), **7(5)(a)**
- F92** Art. 4(3)(e) inserted (21.11.2014) by [The Central Securities Depositories Regulations 2014 \(S.I. 2014/2879\)](#), regs. 1(1), **9(4)(a)**
- F93** Art. 4(3)(f) inserted (13.7.2016) by [The Financial Services and Markets Act 2000 \(Transparency of Securities Financing Transactions and of Reuse\) Regulations 2016 \(S.I. 2016/715\)](#), reg. 1(2), **Sch. 2 para. 4(4)(a)**
- F94** Words in art. 4(4) substituted (31.12.2020) by [The Financial Services and Markets Act 2000 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/632\)](#), regs. 1(3), **187(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F95** Art. 4(5)(aa) inserted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2017 \(S.I. 2017/701\)](#), reg. 1(2)(3)(4)(6), **Sch. 3 para. 6(4)(b)** (with reg. 7)
- F96** Art. 4(5)(ba) inserted (22.4.2021) by [The Recognised Auction Platforms \(Amendment and Miscellaneous Provisions\) Regulations 2021 \(S.I. 2021/494\)](#), regs. 1(2), **7(5)(b)**
- F97** Art. 4(5)(e) inserted (21.11.2014) by [The Central Securities Depositories Regulations 2014 \(S.I. 2014/2879\)](#), regs. 1(1), **9(4)(b)**
- F98** Art. 4(5)(f) inserted (13.7.2016) by [The Financial Services and Markets Act 2000 \(Transparency of Securities Financing Transactions and of Reuse\) Regulations 2016 \(S.I. 2016/715\)](#), reg. 1(2), **Sch. 2 para. 4(4)(b)**

**Status:** Point in time view as at 22/04/2021.

**Changes to legislation:** The Financial Services and Markets Act 2000 (Qualifying Provisions) Order 2013 is up to date with all changes known to be in force on or before 19 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)

- F99** Words in art. 4(6) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F100** Art. 4(7)(aa) inserted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 (S.I. 2017/701), reg. 1(2)(3)(4)(6), **Sch. 3 para. 6(4)(c)** (with reg. 7)
- F101** Art. 4(7)(d) inserted (21.11.2014) by The Central Securities Depositories Regulations 2014 (S.I. 2014/2879), regs. 1(1), **9(4)(c)**
- F102** Art. 4(7)(e) inserted (13.7.2016) by The Financial Services and Markets Act 2000 (Transparency of Securities Financing Transactions and of Reuse) Regulations 2016 (S.I. 2016/715), reg. 1(2), **Sch. 2 para. 4(4)(c)**
- F103** Words in art. 4(8) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F104** Art. 4(9)(c) inserted (21.11.2014) by The Central Securities Depositories Regulations 2014 (S.I. 2014/2879), regs. 1(1), **9(4)(d)**
- F105** Art. 4(10) inserted (3.7.2016) by The Financial Services and Markets Act 2000 (Market Abuse) Regulations 2016 (S.I. 2016/680), regs. 1, **22(3)**
- F106** Words in art. 4(10)-(12) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F107** Art. 4(11) inserted (13.7.2016) by The Financial Services and Markets Act 2000 (Transparency of Securities Financing Transactions and of Reuse) Regulations 2016 (S.I. 2016/715), reg. 1(2), **Sch. 2 para. 4(4)(d)**
- F108** Art. 4(12) inserted (27.2.2018) by The Financial Services and Markets Act 2000 (Benchmarks) Regulations 2018 (S.I. 2018/135), regs. 1(2), **58(5)**

### [<sup>F109</sup>Qualifying provisions]: injunctions and restitution

5.—(1) The instruments listed in paragraph (2) are specified [<sup>F110</sup>qualifying provisions] for the purposes of sections 380(6)(a), 382(9)(a) and 384(7)(a) of the Act.

(2) The instruments are—

- (a) any directly applicable regulation made under the markets in financial instruments directive;
- [<sup>F111</sup>(aa) the markets in financial instruments regulation and any directly applicable EU regulation made under that regulation;]
- (b) any directly applicable regulation made under the UCITS directive;
- [<sup>F112</sup>(ba) any directly applicable regulation made under the alternative investment fund managers directive;]
- (c) the emission allowance auctioning regulation[<sup>F113</sup>, except for Article 38 (prohibition of insider dealing), Article 39 (other prohibited uses of inside information) and Article 41 (prohibition of market manipulation) of that regulation];
- [<sup>F114</sup>(ca) the UK auctioning regulations;]
- (d) the European market infrastructure regulation;
- (e) any directly applicable regulation made under the European market infrastructure regulation;
- [<sup>F115</sup>(f) the EuSEF Regulation and any directly applicable regulation made under that Regulation;



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- (g) the EuVECA Regulation and any directly applicable regulation made under that Regulation];
  - [<sup>F116</sup>(h) the CSD regulation and any directly applicable regulation made under that Regulation];
  - [<sup>F117</sup>(i) any directly applicable regulation made under the recovery and resolution directive];
  - [<sup>F118</sup>(j) the ELTIF Regulation and any directly applicable regulation made under it];
  - [<sup>F119</sup>(k) the market abuse regulation and any directly applicable regulation made under that Regulation, except for Article 14 (prohibition of insider dealing and of unlawful disclosure of inside information) and Article 15 (prohibition of market manipulation) of the market abuse regulation];
  - [<sup>F120</sup>(l) any directly applicable regulation made under the Solvency 2 Directive];
  - [<sup>F121</sup>(m) the PRIIPs regulation and any directly applicable regulation made under that Regulation[<sup>F122</sup>];]
  - [<sup>F123</sup>(n) the EU Benchmarks Regulation 2016 and any directly applicable measure made under that Regulation];
  - [<sup>F124</sup>(o) any directly applicable regulation made under the insurance distribution directive];
  - [<sup>F125</sup>(p) the MMF Regulation and any directly applicable regulation or decision made under it];
  - [<sup>F126</sup>(q) the EU Securitisation Regulation 2017 and any directly applicable regulation made under that Regulation];
  - [<sup>F127</sup>(r) the EU Prospectus Regulation and any directly applicable measure made under that Regulation.]
- (3) The instruments listed in paragraph (4) are also specified [<sup>F128</sup>qualifying EU provisions] for the purposes of section 380(6)(a) and 382(9)(a) of the Act.
- (4) The instruments are—
- (a) the short selling regulation;
  - (b) any directly applicable regulation made under the short selling regulation.
- [<sup>F129</sup>(4A) The SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation are specified [<sup>F130</sup>qualifying provisions] for the purposes of section 380(6)(a) of the Act.]
- (5) The appropriate regulator for the purposes of sections 380, 382 and 384 of the Act is—
- (a) in relation to a contravention of a requirement imposed by a directly applicable regulation made under the markets in financial instruments directive [<sup>F131</sup>or the markets in financial instruments regulation]—
    - (i) if the authorised person concerned is a PRA-authorised person, the PRA or the FCA;
    - (ii) in any other case, the FCA;
  - (b) in relation to a contravention of the emission allowance auctioning regulation [<sup>F132</sup>, the UK auctioning regulations] or any directly applicable regulation made under the UCITS directive [<sup>F133</sup>or the alternative investment fund managers directive], the FCA;
  - (c) in relation to a contravention of the European market infrastructure regulation—
    - (i) if the authorised person concerned is a PRA-authorised person, the PRA or the FCA;
    - (ii) in any other case, the FCA;
  - (d) in relation to a contravention of any directly applicable regulation made under the European market infrastructure regulation, the FCA;

**Status:** Point in time view as at 22/04/2021.

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- (e) in relation to a contravention of the short selling regulation or any directly applicable regulation made under that regulation, the FCA;
- <sup>F134</sup>(f) in relation to a contravention of a requirement imposed by the EuSEF Regulation, the EuVECA Regulation or any directly applicable regulation made under either the EuSEF Regulation or the EuVECA Regulation, the FCA];
- <sup>F135</sup>(g) in relation to a contravention of the CSD regulation or any directly applicable regulation made under the CSD regulation—
  - (i) if the authorised person concerned is a PRA-authorised person, the PRA or the FCA;
  - (ii) in any other case, the FCA];
- <sup>F136</sup>(h) in relation to a contravention of a requirement imposed by any directly applicable regulation made under the recovery and resolution directive—
  - (i) if the person concerned is a PRA-authorised person, or a parent undertaking of a PRA-authorised person, either the PRA or the FCA;
  - (ii) in any other case, the FCA];
- <sup>F137</sup>(i) in relation to a contravention of a requirement imposed by the ELTIF Regulation or any directly applicable regulation made under that Regulation, the FCA];
- <sup>F138</sup>(j) in relation to a contravention of the market abuse regulation or any directly applicable regulation made under that Regulation, the FCA];
- <sup>F139</sup>(k) in relation to a contravention of a requirement imposed by a directly applicable regulation made under the Solvency 2 Directive, the PRA];
- <sup>F140</sup>(l) in relation to a contravention of a requirement imposed by the PRIIPs regulation or any directly applicable regulation made under that Regulation, the FCA<sup>F141</sup>];
- <sup>F142</sup>(m) in relation to a contravention of a requirement imposed by the EU Benchmarks Regulation 2016 or any directly applicable measure made under that Regulation, the FCA];
- <sup>F143</sup>(n) in relation to a contravention of a requirement imposed by any directly applicable regulation made under the insurance distribution directive, the FCA];
- <sup>F144</sup>(o) in relation to a contravention of a requirement imposed by the MMF Regulation or any directly applicable regulation or decision made under that Regulation, the FCA];
- <sup>F145</sup>(p) in relation to a contravention of a requirement imposed by the EU Securitisation Regulation 2017 or any directly applicable regulation made under that Regulation—
  - (i) the FCA if it is the competent authority under that Regulation for the person concerned;
  - (ii) the PRA if it is the competent authority under that Regulation for the person concerned];
- <sup>F146</sup>(q) in relation to a contravention of a requirement imposed by the EU Prospectus Regulation or any directly applicable measure made under that Regulation, the FCA.]
- <sup>F147</sup>(5A) The appropriate regulator for the purposes of section 380 of the Act, in relation to a contravention of the SFT regulation or any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation, is the FCA.]
- (6) The specified <sup>F148</sup>qualifying provisions] for the purposes of paragraph 26(2)(c) of Schedule 17A to the Act are—
  - (a) the European market infrastructure regulation;
  - (b) any directly applicable regulation made under the European market infrastructure regulation;
  - <sup>F149</sup>(c) the CSD regulation and any directly applicable regulation made under that Regulation];

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[<sup>F150</sup>(d) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation.]

[<sup>F151</sup>(7) In paragraphs (2)(n) and (5)(m) the reference to any directly applicable measure of the EU Benchmarks Regulation 2016 is a reference to—

- (a) any measure, originally adopted under that regulation, which is retained direct EU legislation,
- (b) technical standards made under that regulation in accordance with Chapter 2A of Part 9A of the Act, and
- (c) any subordinate legislation (within the meaning of the Interpretation Act 1978) which is made under a power substituted for a power of an EU entity to adopt a measure under that regulation by regulations made under section 8 of the European Union (Withdrawal) Act 2018.]

### Textual Amendments

- F109** Words in [art. 5](#) heading substituted (31.12.2020) by [The Financial Services and Markets Act 2000 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/632\)](#), regs. 1(3), [187\(4\)\(d\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F110** Words in [art. 5\(1\)](#) substituted (31.12.2020) by [The Financial Services and Markets Act 2000 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/632\)](#), regs. 1(3), [187\(4\)\(d\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F111** [Art. 5\(2\)\(aa\)](#) inserted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2017 \(S.I. 2017/701\)](#), reg. 1(2)(3)(4)(6), [Sch. 3 para. 6\(5\)\(a\)](#) (with reg. 7)
- F112** [Art. 5\(2\)\(ba\)](#) inserted (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), reg. 1, [Sch. 2 para. 22\(5\)\(a\)\(i\)](#)
- F113** Words in [art. 5\(2\)\(c\)](#) inserted (3.7.2016) by [The Financial Services and Markets Act 2000 \(Market Abuse\) Regulations 2016 \(S.I. 2016/680\)](#), regs. 1, [22\(4\)\(a\)](#)
- F114** [Art. 5\(2\)\(ca\)](#) inserted (22.4.2021) by [The Recognised Auction Platforms \(Amendment and Miscellaneous Provisions\) Regulations 2021 \(S.I. 2021/494\)](#), regs. 1(2), [7\(6\)\(a\)](#)
- F115** [Art. 5\(2\)\(f\)\(g\)](#) inserted (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), reg. 1, [Sch. 2 para. 22\(5\)\(a\)\(ii\)](#)
- F116** [Art. 5\(2\)\(h\)](#) inserted (21.11.2014) by [The Central Securities Depositories Regulations 2014 \(S.I. 2014/2879\)](#), regs. 1(1), [9\(5\)\(a\)](#)
- F117** [Art. 5\(2\)\(i\)](#) inserted (10.1.2015) by [The Bank Recovery and Resolution \(No. 2\) Order 2014 \(S.I. 2014/3348\)](#), art. 1(2), [Sch. 3 para. 12\(5\)\(a\)](#)
- F118** [Art. 5\(2\)\(j\)](#) inserted (3.12.2015) by [The European Long-term Investment Funds Regulations 2015 \(S.I. 2015/1882\)](#), regs. 1, [8\(5\)\(a\)](#)
- F119** [Art. 5\(2\)\(k\)](#) inserted (3.7.2016) by [The Financial Services and Markets Act 2000 \(Market Abuse\) Regulations 2016 \(S.I. 2016/680\)](#), regs. 1, [22\(4\)\(b\)](#)
- F120** [Art. 5\(2\)\(l\)](#) inserted (12.10.2016) by [The Financial Services and Markets Act 2000 \(Qualifying EU Provisions\) \(Amendment\) Order 2016 \(S.I. 2016/936\)](#), arts. 1(2), [2\(4\)\(a\)](#)
- F121** [Art. 5\(2\)\(m\)](#) inserted (1.1.2018) by [The Packaged Retail and Insurance-based Investment Products Regulations 2017 \(S.I. 2017/1127\)](#), reg. 1, [Sch. 2 para. 7\(5\)\(a\)](#)
- F122** [Art. 5\(2\)\(m\)](#): semi-colon substituted for full stop (27.2.2018) by [The Financial Services and Markets Act 2000 \(Benchmarks\) Regulations 2018 \(S.I. 2018/135\)](#), regs. 1(2), [58\(6\)\(a\)](#)
- F123** [Art. 5\(2\)\(n\)](#) inserted (27.2.2018) by [The Financial Services and Markets Act 2000 \(Benchmarks\) Regulations 2018 \(S.I. 2018/135\)](#), regs. 1(2), [58\(6\)\(b\)](#)
- F124** [Art. 5\(2\)\(o\)](#) inserted (1.10.2018) by [The Insurance Distribution \(Regulated Activities and Miscellaneous Amendments\) Order 2018 \(S.I. 2018/546\)](#), arts. 1(2), [24\(4\)\(a\)](#)

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- F125** Art. 5(2)(p) inserted (28.6.2018 for specified purposes, 21.7.2018 in so far as not already in force) by The Money Market Funds Regulations 2018 (S.I. 2018/698), regs. 1(2), **5(5)(a)**
- F126** Art. 5(2)(q) inserted (1.1.2019) by The Securitisation Regulations 2018 (S.I. 2018/1288), reg. 1, **Sch. 2 para. 4(6)(a)**
- F127** Art. 5(2)(r) inserted (21.7.2019) by The Financial Services and Markets Act 2000 (Prospectus) Regulations 2019 (S.I. 2019/1043), regs. 1(1), **39(4)(a)** (with reg. 40)
- F128** Words in art. 5(3) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F129** Art. 5(4A) inserted (13.7.2016) by The Financial Services and Markets Act 2000 (Transparency of Securities Financing Transactions and of Reuse) Regulations 2016 (S.I. 2016/715), reg. 1(2), **Sch. 2 para. 4(5)(a)**
- F130** Words in art. 5(4A) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F131** Words in art. 5(5)(a) inserted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 (S.I. 2017/701), reg. 1(2)(3)(4)(6), **Sch. 3 para. 6(5)(b)** (with reg. 7)
- F132** Words in art. 5(5)(b) inserted (22.4.2021) by The Recognised Auction Platforms (Amendment and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/494), regs. 1(2), **7(6)(b)**
- F133** Words in art. 5(5)(b) inserted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 2 para. 22(5)(b)(i)**
- F134** Art. 5(5)(f) inserted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 2 para. 22(5)(b)(ii)**
- F135** Art. 5(5)(g) inserted (21.11.2014) by The Central Securities Depositories Regulations 2014 (S.I. 2014/2879), regs. 1(1), **9(5)(b)**
- F136** Art. 5(5)(h) inserted (10.1.2015) by The Bank Recovery and Resolution (No. 2) Order 2014 (S.I. 2014/3348), art. 1(2), **Sch. 3 para. 12(5)(b)**
- F137** Art. 5(5)(i) inserted (3.12.2015) by The European Long-term Investment Funds Regulations 2015 (S.I. 2015/1882), regs. 1, **8(5)(b)**
- F138** Art. 5(5)(j) inserted (3.7.2016) by The Financial Services and Markets Act 2000 (Market Abuse) Regulations 2016 (S.I. 2016/680), regs. 1, **22(4)(c)**
- F139** Art. 5(5)(k) inserted (12.10.2016) by The Financial Services and Markets Act 2000 (Qualifying EU Provisions) (Amendment) Order 2016 (S.I. 2016/936), arts. 1(2), **2(4)(b)**
- F140** Art. 5(5)(l) inserted (1.1.2018) by The Packaged Retail and Insurance-based Investment Products Regulations 2017 (S.I. 2017/1127), reg. 1, **Sch. 2 para. 7(5)(b)**
- F141** Art. 5(5)(l): semi-colon substituted for full stop (27.2.2018) by The Financial Services and Markets Act 2000 (Benchmarks) Regulations 2018 (S.I. 2018/135), regs. 1(2), **58(6)(c)(i)**
- F142** Art. 5(5)(m) inserted (27.2.2018) by The Financial Services and Markets Act 2000 (Benchmarks) Regulations 2018 (S.I. 2018/135), regs. 1(2), **58(6)(c)(ii)**
- F143** Art. 5(5)(n) inserted (1.10.2018) by The Insurance Distribution (Regulated Activities and Miscellaneous Amendments) Order 2018 (S.I. 2018/546), arts. 1(2), **24(4)(b)**
- F144** Art. 5(5)(o) inserted (28.6.2018 for specified purposes, 21.7.2018 in so far as not already in force) by The Money Market Funds Regulations 2018 (S.I. 2018/698), regs. 1(2), **5(5)(b)**
- F145** Art. 5(5)(p) inserted (1.1.2019) by The Securitisation Regulations 2018 (S.I. 2018/1288), reg. 1, **Sch. 2 para. 4(6)(b)**
- F146** Art. 5(5)(q) inserted (21.7.2019) by virtue of The Financial Services and Markets Act 2000 (Prospectus) Regulations 2019 (S.I. 2019/1043), regs. 1(1), **39(4)(b)** (with reg. 40)
- F147** Art. 5(5A) inserted (13.7.2016) by The Financial Services and Markets Act 2000 (Transparency of Securities Financing Transactions and of Reuse) Regulations 2016 (S.I. 2016/715), reg. 1(2), **Sch. 2 para. 4(5)(b)**

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- F148** Words in art. 5(6) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F149** Art. 5(6)(c) inserted (21.11.2014) by The Central Securities Depositories Regulations 2014 (S.I. 2014/2879), regs. 1(1), **9(5)(c)**
- F150** Art. 5(6)(d) inserted (13.7.2016) by The Financial Services and Markets Act 2000 (Transparency of Securities Financing Transactions and of Reuse) Regulations 2016 (S.I. 2016/715), reg. 1(2), **Sch. 2 para. 4(5)(c)**
- F151** Art. 5(7) inserted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(6)**; 2020 c. 1, Sch. 5 para. 1(1)

### [<sup>F152</sup>Qualifying provisions]: fees

6.—(1) The instruments listed in paragraph (2) are specified [<sup>F153</sup>qualifying provisions] for the purposes of paragraph 23(2) of Schedule 1ZA to the Act [<sup>F154</sup>and regulation 206(1)(a) of the Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019;]

(2) The instruments are—

- (a) any directly applicable regulation made under the markets in financial instruments directive;
- [<sup>F155</sup>(aa) the markets in financial instruments regulation and any directly applicable EU regulation made under that regulation;]
- (b) any directly applicable regulation made under the UCITS directive;
- [<sup>F156</sup>(ba) any directly applicable regulation made under the alternative investment fund managers directive;]
- (c) the emission allowance auctioning regulation;
- [<sup>F157</sup>(ca) the UK auctioning regulations;]
- (d) the European market infrastructure regulation;
- (e) any directly applicable regulation made under the European market infrastructure regulation;
- (f) the short selling regulation;
- (g) any directly applicable regulation made under the short selling regulation;
- [<sup>F158</sup>(h) the EuSEF Regulation and any directly applicable regulation made under that Regulation;
- (i) the EuVECA Regulation and any directly applicable regulation made under that Regulation];
- [<sup>F159</sup>(j) the CSD regulation and any directly applicable regulation made under that Regulation];
- [<sup>F160</sup>(k) any directly applicable regulation made under the recovery and resolution directive];
- [<sup>F161</sup>(l) the ELTIF Regulation and any directly applicable regulation made under that Regulation];
- [<sup>F162</sup>(m) the market abuse regulation and any directly applicable regulation made under that Regulation];
- [<sup>F163</sup>(n) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation];
- [<sup>F164</sup>(o) the PRIIPs regulation and any directly applicable regulation made under that Regulation[<sup>F165</sup>;]]

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- [<sup>F166</sup>(p) the EU Benchmarks Regulation 2016 and any directly applicable regulation made under the EU Benchmarks Regulation 2016];
- [<sup>F167</sup>(q) any directly applicable regulation made under the insurance distribution directive];
- [<sup>F168</sup>(r) the MMF Regulation and any directly applicable regulation or decision made under that Regulation];
- [<sup>F169</sup>(s) the EU Securitisation Regulation 2017 and any directly applicable regulation made under that Regulation];
- [<sup>F170</sup>(t) the EU Prospectus Regulation and any directly applicable measure made under that Regulation.]

(3) The instruments listed in paragraph (4) are specified [<sup>F171</sup>qualifying provisions] for the purposes of paragraph 31(2) of Schedule 1ZB to the Act [<sup>F172</sup>and regulation 206(1)(a) of the Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019].

(4) The instruments are—

- (a) any directly applicable regulation made under the market in financial instruments directive;
- [<sup>F173</sup>(aa) the markets in financial instruments regulation and any directly applicable EU regulation made under that regulation;]
- (b) the European market infrastructure regulation;
- (c) any directly applicable regulation made under the European markets infrastructure regulation;
- [<sup>F174</sup>(d) the CSD regulation and any directly applicable regulation made under that Regulation];
- [<sup>F175</sup>(e) any directly applicable regulation made under the recovery and resolution directive];
- [<sup>F176</sup>(f) any directly applicable regulation made under the Solvency 2 Directive];
- [<sup>F177</sup>(g) the EU Securitisation Regulation 2017 and any directly applicable regulation made under that Regulation.]

(5) The instruments listed in paragraph (6) are specified [<sup>F178</sup>qualifying provisions] for the purposes paragraph 36(2)(b) of Schedule 17A to the Act [<sup>F179</sup>and regulation 206(1)(a) of the Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019].

(6) The instruments are—

- (a) the European market infrastructure regulation;
- (b) any directly applicable regulation made under the European market infrastructure regulation;
- [<sup>F180</sup>(c) the CSD regulation and any directly applicable regulation made under that Regulation];
- [<sup>F181</sup>(d) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation.]

#### Textual Amendments

**F152** Words in art. 6 heading substituted (31.12.2020) by [The Financial Services and Markets Act 2000 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/632\)](#), regs. 1(3), **187(4)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

**F153** Words in art. 6(1) substituted (31.12.2020) by [The Financial Services and Markets Act 2000 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/632\)](#), regs. 1(3), **187(4)(e)**; 2020 c. 1, Sch. 5 para. 1(1)



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- F154** Words in art. 6(1) inserted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(7)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F155** Art. 6(2)(aa) inserted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 (S.I. 2017/701), reg. 1(2)(3)(4)(6), **Sch. 3 para. 6(6)(a)** (with reg. 7)
- F156** Art. 6(2)(ba) inserted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 2 para. 22(6)(a)**
- F157** Art. 6(2)(ca) inserted (22.4.2021) by The Recognised Auction Platforms (Amendment and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/494), regs. 1(2), **7(7)**
- F158** Art. 6(2)(h)(i) inserted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 2 para. 22(6)(b)**
- F159** Art. 6(2)(j) inserted (21.11.2014) by The Central Securities Depositories Regulations 2014 (S.I. 2014/2879), regs. 1(1), **9(6)(a)**
- F160** Art. 6(2)(k) inserted (10.1.2015) by The Bank Recovery and Resolution (No. 2) Order 2014 (S.I. 2014/3348), art. 1(2), **Sch. 3 para. 12(6)(a)**
- F161** Art. 6(2)(l) inserted (3.12.2015) by The European Long-term Investment Funds Regulations 2015 (S.I. 2015/1882), regs. 1, **8(6)**
- F162** Art. 6(2)(m) inserted (3.7.2016) by The Financial Services and Markets Act 2000 (Market Abuse) Regulations 2016 (S.I. 2016/680), regs. 1, **22(5)**
- F163** Art. 6(2)(n) inserted (13.7.2016) by The Financial Services and Markets Act 2000 (Transparency of Securities Financing Transactions and of Reuse) Regulations 2016 (S.I. 2016/715), reg. 1(2), **Sch. 2 para. 4(6)(a)**
- F164** Art. 6(2)(o) inserted (1.1.2018) by The Packaged Retail and Insurance-based Investment Products Regulations 2017 (S.I. 2017/1127), reg. 1, **Sch. 2 para. 7(6)**
- F165** Art. 6(2)(o): semi-colon substituted for full stop (27.2.2018) by The Financial Services and Markets Act 2000 (Benchmarks) Regulations 2018 (S.I. 2018/135), regs. 1(2), **58(7)(a)**
- F166** Art. 6(2)(p) inserted (27.2.2018) by The Financial Services and Markets Act 2000 (Benchmarks) Regulations 2018 (S.I. 2018/135), regs. 1(2), **58(7)(b)**
- F167** Art. 6(2)(q) inserted (1.10.2018) by The Insurance Distribution (Regulated Activities and Miscellaneous Amendments) Order 2018 (S.I. 2018/546), arts. 1(2), **24(5)**
- F168** Art. 6(2)(r) inserted (28.6.2018 for specified purposes, 21.7.2018 in so far as not already in force) by The Money Market Funds Regulations 2018 (S.I. 2018/698), regs. 1(2), **5(6)**
- F169** Art. 6(2)(s) inserted (1.1.2019) by The Securitisation Regulations 2018 (S.I. 2018/1288), reg. 1, **Sch. 2 para. 4(7)**
- F170** Art. 6(2)(t) inserted (21.7.2019) by The Financial Services and Markets Act 2000 (Prospectus) Regulations 2019 (S.I. 2019/1043), regs. 1(1), **39(5)(a)** (with reg. 40)
- F171** Words in art. 6(3) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F172** Words in art. 6(3) inserted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(7)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F173** Art. 6(4)(aa) inserted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 (S.I. 2017/701), reg. 1(2)(3)(4)(6), **Sch. 3 para. 6(6)(b)** (with reg. 7)
- F174** Art. 6(4)(d) inserted (21.11.2014) by The Central Securities Depositories Regulations 2014 (S.I. 2014/2879), regs. 1(1), **9(6)(b)**
- F175** Art. 6(4)(e) inserted (10.1.2015) by The Bank Recovery and Resolution (No. 2) Order 2014 (S.I. 2014/3348), art. 1(2), **Sch. 3 para. 12(6)(b)**

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- F176** Art. 6(4)(f) inserted (12.10.2016) by The Financial Services and Markets Act 2000 (Qualifying EU Provisions) (Amendment) Order 2016 (S.I. 2016/936), arts. 1(2), **2(5)**
- F177** Art. 6(4)(g) inserted (1.1.2019) by The Securitisation Regulations 2018 (S.I. 2018/1288), reg. 1, **Sch. 2 para. 4(8)**
- F178** Words in art. 6(5) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F179** Words in art. 6(5) inserted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(7)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F180** Art. 6(6)(c) inserted (21.11.2014) by The Central Securities Depositories Regulations 2014 (S.I. 2014/2879), regs. 1(1), **9(6)(c)**
- F181** Art. 6(6)(d) inserted (13.7.2016) by The Financial Services and Markets Act 2000 (Transparency of Securities Financing Transactions and of Reuse) Regulations 2016 (S.I. 2016/715), reg. 1(2), **Sch. 2 para. 4(6)(b)**

*Mark Lancaster*  
*David Evennett*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

**Changes to legislation:** The Financial Services and Markets Act 2000 (Qualifying Provisions) Order 2013 is up to date with all changes known to be in force on or before 19 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)

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order identifies the directly applicable provisions of EU law which are specified as qualifying EU provisions and directly applicable EU provisions for the purposes of various provisions in the Financial Services and Markets Act 2000 (c.8) (“the Act”). The effect of the Order is to apply certain provisions of the Act for purposes connected with the specified EU provisions.

Article 2 specifies provisions of EU law for general purposes including sections 1A and 2A of the Act (the functions of the Financial Conduct Authority (“FCA”) and the functions of the Prudential Regulation Authority (“PRA”)) and section 168 of the Act (power of the regulators to appoint an investigator).

Article 3 specifies provisions of EU law for the purposes of disciplinary measures imposed under Part 14 of the Act. Article 3 also specifies which of the FCA or PRA is responsible for taking disciplinary action in relation to each specified provision of EU law.

Article 4 specifies provisions of EU law for purposes connected with the regulation of clearing houses and investment exchanges under Part 18 of the Act.

Article 5 specifies provisions of EU law for the purposes of the powers under Part 25 (including that Part as applied by Schedule 17A to the Act in connection with recognised clearing houses) to obtain injunctions or provide for restitution.

Article 6 specifies provisions of EU law for the purposes of the fee-raising powers of the FCA, the PRA and the Bank of England under the Act.

A full impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is available from Her Majesty's Treasury, 1 Horse Guards Road, London SW1A 2HQ or on [www.hm-treasury.gov.uk](http://www.hm-treasury.gov.uk) and is published alongside the Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk).

**Status:**

Point in time view as at 22/04/2021.

**Changes to legislation:**

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